

EXHIBIT 6

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
- - -

3 KRISTINA MIKHAYLOVA, : Case No.: 19-8927

4 Plaintiff, :

5 vs. :

6 BLOOMINGDALE'S, INC., :
7 BLOOMINGDALE'S, INC. d/b/a :
8 BLOOMINGDALE'S AND FORTY :
9 CARROTS, BLOOMINGDALE'S NEW :
10 YORK, MACY'S, INC., MACY'S, :
11 INC., d/b/a MACY'S OF NEW :
12 YORK, UNITED STOREWORKERS :
13 RETAIL, WHOLESALE AND :
14 DEPARTMENT STORE UNION AFL-CIO :
15 LOCAL 3 a/k/a LOCAL 3 UNITED :
16 STOREWORKERS RWDSU/UFCW, :
17 DENNIS DIAZ, individually, :
18 CHRISTOPHER CASTELLANI, :
19 individually, RICHARD LAW, :
20 individually, and BOBBY :
21 BOOKER, individually, :

22 Defendants. :
23 - - -

24 Oral deposition of FRED BECKER, taken via Zoom
Conference on Thursday, November 10, 2022, commencing at
approximately 10:09 a.m., before Kori Skinner, RPR and
Notary Public, there being present:

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22 ALSO PRESENT VIA ZOOM:

23 Alex Marothy, Tech Assistant
24 David Tyndall

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<p>(It is hereby stipulated and agreed by and among counsel for the respective parties that all objections, except as to the form of the questions, be reserved until the time of trial.)</p> <p>---</p> <p>THE COURT REPORTER: Would you like to order the transcript?</p> <p>MS. TIERNEY: Definitely would like -- you know, obviously, I guess, Melissa would be ordering the original, but I do want a copy and I'd like the condensed and the electronic if you can do that.</p> <p>---</p> <p>FRED BECKER, having been first duly sworn, was examined and testified as follows:</p> <p>---</p> <p>EXAMINATION</p> <p>---</p> <p>BY MS. MENDOZA:</p> <p>Q Good morning, Mr. Becker.</p> <p>A Good morning.</p> <p>Q Have you ever been to a deposition before?</p> <p>A I have.</p> <p>Q Okay. And when was that?</p> <p>A Few years back. Few years ago. I don't remember</p>	<p>today?</p> <p>A No.</p> <p>Q Okay. And do you suffer from any mental or physical condition that might impair your ability to understand my questions?</p> <p>A I do not.</p> <p>Q Okay. Have you taken any prescription medication or otherwise in the last 24 hours?</p> <p>A No.</p> <p>Q Were you supposed to take any prescription medication in the last 24 hours that you did not take?</p> <p>A No.</p> <p>Q All right. And so you said that you've -- three years ago you had your deposition taken; is that correct?</p> <p>A About, yes.</p> <p>Q Approximately?</p> <p>A Yeah.</p> <p>Q Okay. And was it for a lawsuit against Bloomingdale's?</p> <p>A It was, yes.</p> <p>Q Okay. And do you recall what court that was in?</p> <p>A I do not, no. It was virtual. I think it was virtual. It was in New York. I'm based in New York.</p>
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<p>the timeframe, but three, maybe.</p> <p>Q Okay. So I'll go over just a couple of ground rules. Was it that your deposition was being taken?</p> <p>A Yes. I've gone to several throughout my career. The last one was about three years ago. Yeah.</p> <p>Q Okay. And so as Kori stated that it's important that you wait until I'm done speaking to respond so that we're not speaking over one another. Verbal responses. And also you understand that you are under oath today, correct?</p> <p>A Correct.</p> <p>Q Which means that you've sworn to tell the truth?</p> <p>A Right.</p> <p>Q And if you do not understand any of my questions, please feel free to ask me to rephrase, and I'm more than happy to rephrase.</p> <p>If you need to take a break at any point, that's fine, just let me know. And I only ask that you wait until I'm done asking -- respond to the last question that was asked so that there's no question pending, and then you can take a break, okay?</p> <p>A Okay.</p> <p>Q And is there any reason that might impair or prevent you from truthfully answering my questions</p>	<p>I -- yeah.</p> <p>Q Do you recall what the case was about?</p> <p>A I -- yes, I remember -- I don't remember every detail, but it was about an associate that -- no, it was not an associate, it was an employee of a vendor that had been caught stealing, and there was a lawsuit pending around that.</p> <p>Q Okay. And were you a named defendant?</p> <p>A I was.</p> <p>Q Okay. And what happened with that case?</p> <p>A I believe it was settled. Or -- yeah, I believe it was settled.</p> <p>MS. TIERNEY: I admonish the witness not to talk about anything he learned from counsel with respect to the result, resolution of that lawsuit. That would be privileged.</p> <p>MS. MENDOZA: Okay.</p> <p>BY MS. MENDOZA:</p> <p>Q And besides that deposition, have you ever had your deposition taken before?</p> <p>A Yes. Over the course of my career, I've presented to grand juries. I've been deposed -- yes, I've been to various trials. And the line of work I'm in, that is not uncommon.</p>

<p style="text-align: right;">Page 9</p> <p>1 Q Besides that case that you just stated, three</p> <p>2 years -- approximately three years ago, have you been a</p> <p>3 named defendant in any other case?</p> <p>4 A I don't -- I don't recall, because the previous</p> <p>5 times had been many, many years ago, and I just don't --</p> <p>6 they were not with Bloomingdale's, I don't believe.</p> <p>7 Q Okay. Have you ever been a named plaintiff in any</p> <p>8 case?</p> <p>9 A No.</p> <p>10 Q Okay. Have you testified -- withdrawn.</p> <p>11 Besides your depositions that were taken, have</p> <p>12 you ever testified in a case before?</p> <p>13 A Before a grand jury.</p> <p>14 Q Okay. And do you recall when that was?</p> <p>15 A It was over 20 years ago, I'll be honest. I don't</p> <p>16 remember anything other than that.</p> <p>17 Q Okay. All right. And so who's your current</p> <p>18 employer?</p> <p>19 A Bloomingdale's.</p> <p>20 Q Okay. And how did you learn about today's</p> <p>21 deposition?</p> <p>22 A In discussions with Betty and Steve on the phone.</p> <p>23 MS. TIERNEY: And, once again, same admonish,</p> <p>24 don't talk about any content of conversation.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q Okay. So we'll talk about Bloomingdale's.</p> <p>2 When did you start working at Bloomingdale's?</p> <p>3 A January 15th, 2012.</p> <p>4 Q What was your starting position?</p> <p>5 A Corporate director of loss prevention for</p> <p>6 Bloomingdale's.</p> <p>7 Q What does that position entail?</p> <p>8 A A brief overview at the time, that</p> <p>9 role/responsibilities were to manage the budget for all</p> <p>10 the asset protection department for Bloomingdale's,</p> <p>11 manage the budget, manage the investigations, manage</p> <p>12 physical security. Anything corporate related to</p> <p>13 support the field programs for the asset protection</p> <p>14 department, at that time called loss prevention. I just</p> <p>15 want to be accurate.</p> <p>16 - - -</p> <p>17 (Whereupon, the connection was</p> <p>18 interrupted.)</p> <p>19 - - -</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q So you said asset protection and loss prevention</p> <p>22 are synonymous, same thing?</p> <p>23 A Yes. A few years, 2015 or so, the name was changed</p> <p>24 to asset protection instead of loss prevention.</p>
<p style="text-align: right;">Page 10</p> <p>1 But what you said is fine.</p> <p>2 BY MS. MENDOZA:</p> <p>3 Q Do you know what this case is about?</p> <p>4 A I do.</p> <p>5 Q Okay. And you know that the plaintiff in this case</p> <p>6 is Kristina Mikhaylova, correct?</p> <p>7 A Correct.</p> <p>8 Q Did you work with Christina Mikhaylova?</p> <p>9 MS. TIERNEY: Objection to the form.</p> <p>10 You may answer.</p> <p>11 THE WITNESS: Kristina worked in the store 59</p> <p>12 Street while I was in role here as well.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q Okay. And what did you do to prepare for today's</p> <p>15 deposition?</p> <p>16 A Review case documents, just trying to refresh what</p> <p>17 access I had to details of the -- of this.</p> <p>18 Q Okay. So you're familiar with -- withdrawn.</p> <p>19 So did you review documents that were</p> <p>20 exchanged in this case already?</p> <p>21 A Some documents I did review, yes.</p> <p>22 Q Okay. Did you have any conversations with anyone</p> <p>23 else besides your attorneys about your deposition today?</p> <p>24 A No.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Okay. And so did you hold that position --</p> <p>2 withdrawn.</p> <p>3 So did you change positions since 2012?</p> <p>4 A Yes.</p> <p>5 Q Okay. What was the next position after your</p> <p>6 initial position in 2012?</p> <p>7 A That would be the current position I'm in, which is</p> <p>8 the trade area leader for New York City asset protection</p> <p>9 trade leader for New York City, and that was</p> <p>10 February 1st, 2016, I believe.</p> <p>11 Q So when you say New York City, is it that you are</p> <p>12 responsible for all Bloomingdale's across New York City?</p> <p>13 A Correct. There's three locations in Manhattan.</p> <p>14 Q Okay. And does that also include Macy's?</p> <p>15 A No.</p> <p>16 Q Okay. And then -- and your position before, it was</p> <p>17 only specifically for the 59th Street location,</p> <p>18 Bloomingdale's?</p> <p>19 A No. So my position before was corporate, and I</p> <p>20 supported all locations from a -- from the areas of</p> <p>21 responsibility. So I reported directly to the VP and</p> <p>22 supported all stores.</p> <p>23 Q So what's the difference between your previous</p> <p>24 position and current?</p>

<p>Page 13</p> <p>1 A So previous position was corporate, so developing 2 strategies, vision, managing programs to support all 3 stores. 4 Today, my role is specific to managing the 5 teams in New York City. I'm responsible for all 6 programs in New York City. It's execution of programs 7 and process responsible for specific stores. 8 Q Okay. What type of training do you need to have 9 for your position? 10 MS. TIERNEY: Object to form. 11 You may answer. 12 THE WITNESS: Well, it relies heavily on 13 experience. Training would be knowledge of 14 specific processes and procedures relating to 15 investigations internally, external investigations, 16 shortage, strategies, inventory taking, partnering 17 with -- how to partner with the correct people from 18 a loss perspective, fraud perspective, leadership, 19 competencies relating to leading teams, developing 20 partnerships, liaison with law enforcement, problem 21 solving in how -- you know, reacting to different 22 problems that come up during business to protect 23 the brand. 24 So experience. Obviously, 30 years of</p>	<p>Page 15</p> <p>1 personnel and guards and supervisors and such that 2 report into managers that report into me, as -- same in 3 Soho, that store, and the upper west side outlets. So 4 there's teams that have specialized responsibilities 5 that report in to executives that report in to me. 6 Q Okay. And what managers report to you? 7 A Currently, the manager -- the APM of Soho, the 8 asset protection manager in Soho. There is an asset 9 protection manager at 59th Street that reports in to me. 10 There is another asset protection manager that reports 11 in to me that's currently open. There is a newly filled 12 assistant asset protection manager that reports in to 13 me. There's a fire safety director that reports in to 14 me. And I have an administrative assistant. 15 Q Okay. And who's the manager at the 59th Street 16 store? 17 A The current asset protection manager reporting to 18 me at 59th Street is Marvin Amador. 19 Q Okay. And when did that -- did he replace someone? 20 A Yeah. There's been -- yes, there has been change 21 over the last few years. Some folks have left on a 22 bigger opportunity. Some have been promoted. So he 23 came over in December of last year. He was promoted 24 from the White Plains store.</p>
<p>Page 14</p> <p>1 experience doing this through multiple retailers. 2 And then training would be on Bloomingdale's 3 specific policies and processes to address those 4 issues as they come up. 5 BY MS. MENDOZA: 6 Q Okay. And what type of investigations do you 7 conduct? 8 A Well, I manage individuals that conduct 9 investigation, so I have teams that do that. I don't 10 necessarily conduct investigations myself unless 11 there's -- for some reason I need to insert myself in 12 those investigations. 13 So that's kind of how it's structured. 14 Q So how many teams do you have -- are you 15 responsible for managing, conducting investigations? 16 A So from an internal investigation process, I have 17 currently three, but there's four positions. One open 18 hire. Three investigators that spend their time 19 investigating internal theft. They report in to a 20 manager who reports in to me. 21 I also have an external team that basically 22 investigates external theft that reports in to a manager 23 that reports in to me. 24 And then there's other noninvestigatory</p>	<p>Page 16</p> <p>1 Q Okay. So given that this case is about Kristina 2 Mikhaylova's employment with Bloomingdale's, I'll be 3 asking about the time that she was employed there. 4 So from 2016 to about June 20 -- April 2016, 5 June 2017. So who was the asset protection manager for 6 the 59th Street store at that time? 7 A Well, again, there's multiple, but the asset 8 protection manager responsible for investigations was 9 Chris Castellani. 10 Q So when you say there's multiple, that means that 11 Castellani was supervising those other managers, asset 12 protection managers? 13 A No. Chris Castellani was supervising the asset -- 14 the internal investigations team. The other asset 15 protection managers, I think David Rey was one, I don't 16 recall exactly which -- that time period, but they would 17 have other responsibilities. 18 The external team, the overnight team, the 19 guards, the physical security programs, so there's other 20 responsibilities that they would have had. 21 Q I see. 22 And so why do you specifically reference 23 Christopher Castellani? 24 A In reference to this case of employee, he managed</p>

<p>Page 17</p> <p>1 the internal investigations team. He would have</p> <p>2 conducted an investigation regarding any associate.</p> <p>3 Q Okay. Do all of the asset protection managers</p> <p>4 report to you?</p> <p>5 A In New York City, yes.</p> <p>6 Q No. At the 59th Street store?</p> <p>7 A Yes.</p> <p>8 Q Okay. And do you recall their names, the other</p> <p>9 asset protection managers at the time?</p> <p>10 MS. TIERNEY: And, Melissa, I don't mean to</p> <p>11 interrupt, but you're talking about 2016-17, just</p> <p>12 to make sure?</p> <p>13 MS. MENDOZA: Yes.</p> <p>14 MS. TIERNEY: I'm sorry, I think you said</p> <p>15 that, but I just want to make sure I was on the</p> <p>16 right page.</p> <p>17 THE WITNESS: I believe -- and, again, I'm</p> <p>18 going by memory, Bobby Booker may have been here at</p> <p>19 that time and David Rey may have been here at that</p> <p>20 time.</p> <p>21 I don't recall if -- because at one point I</p> <p>22 had four. I don't recall if Dorothy -- or Doris D.</p> <p>23 Connelly was here at that -- within that two-year</p> <p>24 span.</p>	<p>Page 19</p> <p>1 Do you oversee the disciplinary files for the</p> <p>2 asset protection managers?</p> <p>3 MS. TIERNEY: Object to the form.</p> <p>4 You can answer.</p> <p>5 THE WITNESS: I am responsible for their --</p> <p>6 I'm responsible for ensuring they follow policy and</p> <p>7 procedure, et cetera. I partner with HR when</p> <p>8 there's disciplinary or performance, conduct type</p> <p>9 of violations.</p> <p>10 Yes, I do manage that team. But any</p> <p>11 disciplinary conduct is a partnership with HR.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q Okay. Are you aware of any misconduct by Bobby</p> <p>14 Booker?</p> <p>15 A Misconduct? No, I'm not.</p> <p>16 Q Any complaints against Bobby Booker?</p> <p>17 A I don't recall any conduct -- any complaints about</p> <p>18 Bobby Booker, no.</p> <p>19 Q Okay. So in -- there was nothing -- withdrawn.</p> <p>20 Was there any investigations into Bobby</p> <p>21 Booker's actions and his position?</p> <p>22 MS. TIERNEY: Object to form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: I don't recall any</p>
<p>Page 18</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q Okay. And was Bobby Booker responsible for the</p> <p>3 security guard area of asset protection?</p> <p>4 A I believe, during that timeframe, Bobby Booker was</p> <p>5 responsible for the store detectives, if I remember</p> <p>6 correctly.</p> <p>7 Q And what are store detectives?</p> <p>8 A The -- it's our external team. They do external</p> <p>9 investigations. They're store detectives. They</p> <p>10 basically investigate external theft, people coming from</p> <p>11 the outside to steal, professional groups, and they</p> <p>12 catch shoplifters, that type of thing. So it's the team</p> <p>13 that catches shoplifters, is the easiest way to describe</p> <p>14 it.</p> <p>15 Q Okay. So are they -- but are they physically</p> <p>16 present in the store?</p> <p>17 A Yes.</p> <p>18 Q Okay. Is Bobby Booker still the manager for the</p> <p>19 store detectives?</p> <p>20 A No, Bobby Booker is not. He left at some point. I</p> <p>21 don't remember what year.</p> <p>22 Q Okay. And do you know why he left?</p> <p>23 A He wanted to move to Texas.</p> <p>24 Q Okay. And did you ever -- withdrawn.</p>	<p>Page 20</p> <p>1 investigations. Nothing comes to find. Certainly</p> <p>2 it wouldn't have been anything major, or I would</p> <p>3 remember that.</p> <p>4 BY MS. MENDOZA:</p> <p>5 Q Okay. So were there any complaints of sexual</p> <p>6 harassment against Bobby Booker?</p> <p>7 A Not to my knowledge. Sexual harassment claims</p> <p>8 would go through HR. If I were made aware of them, I</p> <p>9 would bring them to HR. I'm not aware of any -- I can't</p> <p>10 recall any sexual harassment claims against Bobby</p> <p>11 Booker.</p> <p>12 Q Okay. Are you aware of any sexual harassment</p> <p>13 claims against your -- the store detectives?</p> <p>14 MS. TIERNEY: Object to the form. What</p> <p>15 timeframe are we talking?</p> <p>16 MS. MENDOZA: Same time, 2016-2017.</p> <p>17 THE WITNESS: No, I do not recall any sexual</p> <p>18 harassment claims, 2016, 2017.</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q Okay. And what about from 2017 to present?</p> <p>21 A No, I don't recall sexual harassment claims by</p> <p>22 anyone on the team -- anyone on the team. Off the top</p> <p>23 of my head, no.</p> <p>24 Q Okay. So going back to your position, so you said</p>

<p>Page 21</p> <p>1 that Christopher Castellani would report to you about 2 internal investigations, correct? 3 A Correct. 4 Q And is that from 2016 until present? 5 A No. At one point Christopher -- after 20 -- I 6 don't remember the exact timeframe. 7 But 2016-17, he was in 59th Street. At 8 some -- at one point Christopher moved over to Soho to 9 be the asset protection manager in Soho. 10 Q Okay. Is he currently in Soho? 11 A He's not currently employed by Bloomingdale's. 12 Q Okay. And why did he leave? 13 A Christopher left based off of a warning that he was 14 given, and he was terminated for leadership within his 15 position at Soho. 16 Q Okay. And when was that? 17 A I don't recall -- I'm going to -- maybe 2018, I 18 think. 19 Q Okay. And what was the warning about? 20 A It was about his leadership of the team, and the 21 program at Soho. More specifically, follow up 22 communication, managing the team. 23 Q Okay. And did you make the decision to terminate 24 him?</p>	<p>Page 23</p> <p>1 BY MS. MENDOZA: 2 Q Okay. Did Christopher work in the store? 3 A Yes. 4 Q At the 59th Street location? 5 A Yes. 6 Q And is that also where your office is? 7 A Yes. 8 Q Okay. So back it up a little bit. 9 What kind of investigations -- withdrawn. 10 This case is about discount abuse, so can you 11 explain to me what the discount abuse policy is for 12 Bloomingdale's? 13 A I'm not sure that this case is just about discount 14 abuse, but the discount abuse policy for Bloomingdale's 15 is associate's are given a benefit to buy merchandise at 16 a certain discount. Part of that benefit, there are 17 rules around that. Some of those rules include it is 18 for the associate only. They cannot extend their 19 discount to others. They cannot take money from other 20 outside individuals and use that to purchase for them. 21 They also -- with the exception of like a 22 spouse or a dependent. They also cannot purchase 23 merchandise at a discount to resell. 24 Q And, yes, you're right. This isn't just about</p>
<p>Page 22</p> <p>1 A Again, our process is we bring the facts to HR, we 2 consult. There's a process, a multistep process, that 3 includes different levels of warnings. We then 4 consult -- and measure the progress, consult with HR. 5 HR makes the decision to terminate. We do not. Team 6 leaders do not. 7 Q And why did he leave the 59th Street location? 8 A To just take on different responsibilities. 9 Q Okay. Was he reassigned? 10 A It was a mutual discussion. He expressed interest 11 and I thought it would be a good opportunity for him to 12 do something different. He had come to 59th Street from 13 a store in New Jersey, and Soho was just a different 14 responsibility. 15 Q Okay. All right. So how often did Christopher 16 report to you about any internal investigations? 17 MS. TIERNEY: Object to the form. 18 You can answer. 19 THE WITNESS: I cannot speak to exactly how 20 often it happened in 2016 and '17. 21 I will say it was probably on a biweek -- 22 bimonthly, so every few weeks we would meet and he 23 would update me on status of different 24 investigations.</p>	<p>Page 24</p> <p>1 discount abuse, but one aspect about it is discount 2 abuse. 3 And so I guess how does Bloomingdale's keep 4 track of the purchases made by the employees? 5 A I do not think -- I do not believe that there is a 6 process to necessarily keep track of every purchase of 7 employees. There are different exception reporting 8 processes that report red flags, not just around 9 employee purchases, but around all different types of 10 transactions within the organization. 11 If -- and through these algorithm, if 12 something comes up as unusual or a red flag, it may be 13 something that is looked into. Another piece maybe if 14 there is confidential information from another associate 15 that somebody is abusing their discount, then maybe that 16 may be looked at as well. 17 Q Okay. Are employees required to use a certain card 18 to make their purchases? 19 A The only way to -- so the employee discount is back 20 of house, meaning that the discount is taken off at 21 the -- after the point of sale electronically, 22 automatically. So you have to use your Bloomingdale's 23 card for that to happen. 24 If you don't use your Bloomingdale's card, you</p>

<p>Page 25</p> <p>1 won't get the discount.</p> <p>2 Q Okay. So just to be clear, the employees have a</p> <p>3 specific Bloomingdale's card that they -- are they given</p> <p>4 that at the time that they're hired?</p> <p>5 A Correct. When you're hired, you -- as long as</p> <p>6 you're there, you qualify, because it is a credit card.</p> <p>7 You are given your Bloomingdale's house account card to</p> <p>8 shop with.</p> <p>9 Q Okay. And can an employee use another credit card</p> <p>10 instead of that card to make a purchase?</p> <p>11 MS. TIERNEY: Object to the form.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: Yeah, certainly, they can. They</p> <p>14 will not have the benefit of the discount.</p> <p>15 BY MS. MENDOZA:</p> <p>16 Q Okay. So unless you use that card, you don't get</p> <p>17 the discount, right?</p> <p>18 A Correct.</p> <p>19 Q So if -- withdrawn.</p> <p>20 So as far as the discount abuse</p> <p>21 investigations, does your department look at the -- at</p> <p>22 that account, the purchases made on the house account</p> <p>23 for that employee?</p> <p>24 MS. TIERNEY: I'm going to object to the form.</p>	<p>Page 27</p> <p>1 algorithms, those reports. So if there's some sort</p> <p>2 of unusual activity that maybe passed on to my team</p> <p>3 to investigate.</p> <p>4 BY MS. MENDOZA:</p> <p>5 Q Okay. So you said there's this Macy's credit team.</p> <p>6 Is that the same as the credit and customer service,</p> <p>7 inc.?</p> <p>8 A Correct.</p> <p>9 Q And -- so how often do you communicate with them?</p> <p>10 MS. TIERNEY: Object to the form.</p> <p>11 2016-17 or currently?</p> <p>12 MS. MENDOZA: 2016-17.</p> <p>13 THE WITNESS: 2016 and '17, on a normal basis,</p> <p>14 maybe every few months. It really depends on the</p> <p>15 activity. If there's a rise in activity that we</p> <p>16 may need their help or they need our help, we may</p> <p>17 communicate more often, but there was no, at that</p> <p>18 time, recurring communication unless there was a</p> <p>19 need to.</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q Okay. So can -- if an employee in your department</p> <p>22 finds something suspicious, can they then have requests</p> <p>23 that Macy's credit, that other company, look into any</p> <p>24 activity on the account?</p>
<p>Page 26</p> <p>1 You can answer.</p> <p>2 THE WITNESS: So the -- yes, we will look at</p> <p>3 the account activity if there is suspected</p> <p>4 dishonest activity or policy violations in any --</p> <p>5 for any policy violations, we will look at the</p> <p>6 account.</p> <p>7 BY MS. MENDOZA:</p> <p>8 Q Okay. And if an employee makes excessive</p> <p>9 purchases, is that alerted to your department?</p> <p>10 MS. TIERNEY: Object to the form.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: The internal investigation, my</p> <p>13 team, spends most of their time looking at internal</p> <p>14 theft or fraud or dishonest activity.</p> <p>15 If policy violations are brought to our</p> <p>16 attention and it's -- we will investigate that as</p> <p>17 well.</p> <p>18 We do not look -- we do not monitor associate</p> <p>19 transactions at the store level. There are, again,</p> <p>20 algorithms and -- if there are any type of -- any</p> <p>21 type of activity that's excessive from a credit</p> <p>22 card perspective, that usually will come from</p> <p>23 Macy's ink fraud team or credit team that will then</p> <p>24 communicate the exceptions found from those</p>	<p>Page 28</p> <p>1 A Yes. But there's also -- so there was also a</p> <p>2 corporate investigation team that helps support all</p> <p>3 stores, more than likely my team would communicate</p> <p>4 through them to see if they can assist first before</p> <p>5 reaching out to Macy's credit services.</p> <p>6 Q Okay. And where is that corporate investigation</p> <p>7 team?</p> <p>8 A In 2016 and '17, they were located at the corporate</p> <p>9 offices at 919 3rd Avenue.</p> <p>10 Q Okay. And what role did they play in the</p> <p>11 investigation?</p> <p>12 MS. TIERNEY: Object to the form.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: In this -- in that -- in this</p> <p>15 particular case, they would be a liaison, again,</p> <p>16 with Macy's credit services. If I remember</p> <p>17 correctly, they help support the investigation team</p> <p>18 for fraud at that time.</p> <p>19 Yeah, they would provide support for any</p> <p>20 investigation. And in this case, I believe they</p> <p>21 also helped facilitate communication with Macy's</p> <p>22 credit services.</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q Okay. And when you say from this case, you're</p>

<p>1 saying in regards to Kristina Mikhaylova?</p> <p>2 A Correct.</p> <p>3 Q So do you recall any of the names of the employees</p> <p>4 from corporate that were involved in her investigation?</p> <p>5 A Yes, Abraham Gonzalez.</p> <p>6 Q Did you work with him in the investigation?</p> <p>7 A Again, I did not personally manage this</p> <p>8 investigation. I know Chris and his team did work with,</p> <p>9 him, yes. But I know -- I knew, and still know, Abe.</p> <p>10 Q Okay. And is he still in that position, working in</p> <p>11 that position?</p> <p>12 A No, he's not.</p> <p>13 Q Is he still employed by Bloomingdale's?</p> <p>14 A No, he's not.</p> <p>15 Q Okay. And when did he leave?</p> <p>16 A He -- again, he did not report directly in to me at</p> <p>17 that point. I want to say around 2019.</p> <p>18 Q Was he terminated?</p> <p>19 A No, he left for another opportunity.</p> <p>20 Q Okay. So to be clear then, Christopher Castellani</p> <p>21 and his team was working with Abraham Gonzalez and the</p> <p>22 Macy's credit card company, the other company, in</p> <p>23 investigating Kristina Mikhaylova's account; is that</p> <p>24 correct?</p>	<p>Page 29</p> <p>1 of company policy when it came to that -- well, avoiding</p> <p>2 taxes and the statement that was part of that discussion</p> <p>3 that was -- that was the result from the start to the</p> <p>4 conclusion.</p> <p>5 Q Okay. And then what happened?</p> <p>6 MS. TIERNEY: Object to the form.</p> <p>7 You can answer.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q After they gave you the findings, then what</p> <p>10 happened?</p> <p>11 A So as our typical process is, when we have findings</p> <p>12 of any investigation, we then share that directly with</p> <p>13 HR for a disposition.</p> <p>14 Q Okay. And then what is your involvement -- what</p> <p>15 was your involvement after that?</p> <p>16 A After the HR disposition?</p> <p>17 Q Giving it to HR, yes.</p> <p>18 A If any question -- I may have -- if HR has any</p> <p>19 questions, they may reach out to my team or me directly.</p> <p>20 I don't have any direct involvement after that, if --</p> <p>21 unless there's some exception.</p> <p>22 Q Okay. And what started the investigation in to</p> <p>23 Kristina's account?</p> <p>24 A From my -- as I recall, the -- there was</p>
<p>Page 30</p> <p>1 MS. TIERNEY: Objection.</p> <p>2 THE WITNESS: I would phrase it more that they</p> <p>3 supported him in the team here if they needed</p> <p>4 additional information, but it was Chris and his</p> <p>5 team that ran the investigation.</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q And I'm just saying, so you were not involved in</p> <p>8 the investigation, the day-to-day of the investigation</p> <p>9 for Kristina Mikhaylova; is that correct?</p> <p>10 A That is correct.</p> <p>11 Q Okay. Did you -- did they ultimately report to you</p> <p>12 their findings?</p> <p>13 A Yes.</p> <p>14 Q Okay. And what did they report?</p> <p>15 A As my memory serves, from 20 -- from that time</p> <p>16 period of 2016, '17, they gave me an overview of the</p> <p>17 scenario at that time, what the findings were, the</p> <p>18 results of the conversation, and the results of the</p> <p>19 conversation with Kristina.</p> <p>20 Q And what were those?</p> <p>21 A The results of the investigation from where it</p> <p>22 started with, again, some red flags that popped up, to</p> <p>23 looking in to transactions, specific transactions, to</p> <p>24 the conversation with her and the resulting of violation</p>	<p>Page 32</p> <p>1 communication from Macy's credit services, through Abe</p> <p>2 corporate asset protection investigations to my team</p> <p>3 that there was unusual activity -- purchasing activity</p> <p>4 on an individual's -- in an associate's account,</p> <p>5 Kristina.</p> <p>6 So that is -- there was that, and then there</p> <p>7 was a lot of fraud happening, and, again, red flag</p> <p>8 exception report. Kristina, she was also on that.</p> <p>9 That's -- in terms of the fraud that we were incurring,</p> <p>10 she was part of those transactions when we were</p> <p>11 incurring fraud.</p> <p>12 So my memory was there was those two things</p> <p>13 that kind of started us looking at what was happening in</p> <p>14 the Chanel department and with Kristina at the time.</p> <p>15 Q Okay. And were these conversations between Macy's</p> <p>16 credit card and Abe documented?</p> <p>17 A There may have been some emails going -- you know,</p> <p>18 again, it's -- when you talk about exceptions and/or red</p> <p>19 flags or unusual activity, it's just something to look</p> <p>20 into, so there may have been some email communication</p> <p>21 to -- that's sent to Abe and then to my team to look</p> <p>22 at -- in to this.</p> <p>23 Q Okay. And is there a -- was there an ongoing</p> <p>24 document report as to the findings and what was going</p>

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<p>1 on?</p> <p>2 MS. TIERNEY: I'm going to object to the form.</p> <p>3 But you can answer, Fred.</p> <p>4 THE WITNESS: Other than documentation that is</p> <p>5 part of -- the final case resolution, I don't</p> <p>6 recall any other documentation.</p> <p>7 BY MS. MENDOZA:</p> <p>8 Q So how did they -- how did they keep track of what</p> <p>9 Macy's credit card found and then what Abe was doing,</p> <p>10 his involvement, his findings, and then Christopher</p> <p>11 Castellani? I want to know how that was all kept track</p> <p>12 of.</p> <p>13 MS. TIERNEY: And I'm going to object to the</p> <p>14 form.</p> <p>15 You can answer.</p> <p>16 THE WITNESS: In 2016, '17, if there was a</p> <p>17 case they were investigating, they would create a</p> <p>18 folder any documentation that was part of the</p> <p>19 investigation that they could reference as they</p> <p>20 investigated. I think that's the answer to your</p> <p>21 question.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q Yes.</p> <p>24 And who maintained that file?</p>	<p>1 A Charge backs, so customers were reporting that</p> <p>2 their cards were being used fraudulently, which -- in</p> <p>3 disputing charges, which means that those charge backs</p> <p>4 would come back as fraud to Bloomingdale's.</p> <p>5 Q Okay. Was anyone else at the time investigated for</p> <p>6 the same reasons that Kristina was investigated?</p> <p>7 MS. TIERNEY: Object to the form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: So going back to my initial</p> <p>10 mention of an exception report, so there was a</p> <p>11 ranking of -- the fraud, all of a sudden, became</p> <p>12 very high during that time, and there was a</p> <p>13 report -- or there was a report that was run with a</p> <p>14 top -- the associates that were ringing the most</p> <p>15 fraud, so had the most transactions associated with</p> <p>16 the associates in Chanel at the time. And Kristina</p> <p>17 was the -- was associated with most of those</p> <p>18 transactions. And there was associates -- it was a</p> <p>19 ranking, so there were other associates that were</p> <p>20 also incurring fraud or their transactions were</p> <p>21 related to fraud transactions.</p> <p>22 So, yes, we would investigate any associate</p> <p>23 that we -- to find out why we were incur -- or we</p> <p>24 would investigate the transactions to see why we</p>
Page 34	Page 36
<p>1 A The investigator would that reported in to Chris.</p> <p>2 Q The investigator that reported to Chris, is that</p> <p>3 what you said?</p> <p>4 A Yes.</p> <p>5 Q And was that Abe?</p> <p>6 A No. Abe reported in to corporate. It would've</p> <p>7 been one of Chris's internal investigators. Shanine may</p> <p>8 have been part of that -- may have been -- I don't</p> <p>9 recall who the actual investigator was at the time.</p> <p>10 Q Okay. So at what point of the investigation in to</p> <p>11 Kristina's account did you become involved?</p> <p>12 A I don't recall. I know that Chris would update me</p> <p>13 on multiple investigations every other week, or if need</p> <p>14 be, more often. I don't recall exactly when I was</p> <p>15 brought into the loop on that particular investigation.</p> <p>16 Q Okay. So you said that there was fraud --</p> <p>17 withdrawn.</p> <p>18 Did you say that there was fraud occurring or</p> <p>19 incurring at the time?</p> <p>20 A There was -- we were -- there was fraud -- we were</p> <p>21 incurring fraud in the Chanel department around that</p> <p>22 time.</p> <p>23 Q Okay. And can you elaborate what you mean by</p> <p>24 fraud?</p>	<p>1 were incurring fraud.</p> <p>2 So, yes, there was multiple, it wasn't just</p> <p>3 Kristina, from a fraud perspective.</p> <p>4 BY MS. MENDOZA:</p> <p>5 Q Okay. And how did they check the fraud that</p> <p>6 they're -- how they're incurring fraud?</p> <p>7 A That would be -- that was handled by Macy's credit</p> <p>8 services. So they worked directly with -- and I don't</p> <p>9 recall in 2016, '17, if it was Citibank at the time, but</p> <p>10 worked directly with the bank that manages our credit</p> <p>11 cards, Bloomingdale's credit cards, to determine fraud.</p> <p>12 Sometimes that can usually be delayed, but that is</p> <p>13 usually determined, again, from customers claiming that</p> <p>14 there were fraud charges -- disputing charges as fraud</p> <p>15 and that would go back to Macy's credit services.</p> <p>16 Q Okay. So did anyone -- withdrawn.</p> <p>17 Did any customer complain that their card was</p> <p>18 being used in relation to Kristina's purchases?</p> <p>19 MS. TIERNEY: I'm going to object to the form.</p> <p>20 You may answer.</p> <p>21 THE WITNESS: So can you restate that</p> <p>22 question? Is it Kristina's purchases or the</p> <p>23 transactions that she -- her transactions with the</p> <p>24 customers?</p>

<p>Page 37</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q So I'll go back.</p> <p>3 So you're -- correct me if I'm wrong. Is the</p> <p>4 fraud that customers -- at the time, was the fraud issue</p> <p>5 that the customers cards were being used without their</p> <p>6 permission?</p> <p>7 A Correct. And she was the sales associate that rang</p> <p>8 the transactions.</p> <p>9 Q Okay. So were there any customers that complained</p> <p>10 that their card was being used by Kristina's</p> <p>11 transactions?</p> <p>12 A My assumption, based off the fact that that</p> <p>13 reporting came to us, that that would have been vetted</p> <p>14 and, yes, that was confirmed fraud. My understanding is</p> <p>15 the customers would have complained.</p> <p>16 Q Okay. And when you say it's confirmed fraud, is</p> <p>17 that because -- what do you mean by that was confirmed</p> <p>18 fraud?</p> <p>19 A That the customers weren't present -- there's</p> <p>20 different ways to confirm fraud. The customers weren't</p> <p>21 present, the signatures didn't match, it was not their</p> <p>22 transaction.</p> <p>23 Q Okay. Is there a record of that?</p> <p>24 A There, I'm sure, is a record of that. I mean, I</p>	<p>Page 39</p> <p>1 Bloomingdale's.</p> <p>2 Q Okay. Do you recall who else was found to be</p> <p>3 committing fraud the same as Kristina?</p> <p>4 A Well, I want to clarify that I don't know that</p> <p>5 Kristina was found to be committing fraud. That wasn't</p> <p>6 the reason she was -- that wasn't the conclusion of our</p> <p>7 investigation. There were individuals that were</p> <p>8 investigated for fraud -- that were investigated as part</p> <p>9 of the fraud investigation in the Chanel department.</p> <p>10 Q Okay. So I'll go back to that. What I meant by</p> <p>11 confirmed -- I thought that you said that she was</p> <p>12 confirmed -- the transactions were confirmed fraud?</p> <p>13 A Her -- so she was the sales associate that rang the</p> <p>14 transactions that were confirmed fraud, yes.</p> <p>15 Q So does that mean that she -- that she was found to</p> <p>16 have committed fraud?</p> <p>17 A No, those are two separate things. There are --</p> <p>18 any associate -- you know, there could be fraud from any</p> <p>19 type of sale. There's always a potential. The -- it's</p> <p>20 whether the associate is allowing it is a completely</p> <p>21 separate thing. For them to perpetrate fraud is</p> <p>22 separate than being the sales associate that rang a</p> <p>23 fraud transaction.</p> <p>24 Q Okay. So was Kristina found to not have committed</p>
<p>Page 38</p> <p>1 believe I saw in one of the documents that -- a list of</p> <p>2 transactions that were from Kristina that were confirmed</p> <p>3 fraud.</p> <p>4 Q But I'm saying they were confirmed fraud because</p> <p>5 they were from customers' cards that they did not give</p> <p>6 permission for her to use, right?</p> <p>7 A Correct.</p> <p>8 Q So is there a record of those customers calling in</p> <p>9 or complaining about that?</p> <p>10 A That -- you're beyond my scope of responsibility.</p> <p>11 That would be more the liaison -- that would be more</p> <p>12 Macy's credit services or Citibank, if Citibank was the</p> <p>13 bank holder at the time. That is not an area of</p> <p>14 responsibility that I have, and I don't feel comfortable</p> <p>15 speaking to that process because I'm not sure.</p> <p>16 Q Okay. But Macy's credit customer service, that's a</p> <p>17 part of the same company that you work for, correct?</p> <p>18 MS. TIERNEY: Object to the form.</p> <p>19 You can answer.</p> <p>20 THE WITNESS: Correct.</p> <p>21 BY MS. MENDOZA:</p> <p>22 Q It's not a separate whole different entity,</p> <p>23 correct?</p> <p>24 A It's a division of Macy's Inc. as is</p>	<p>Page 40</p> <p>1 fraud?</p> <p>2 A Kristina was -- along with other associates in</p> <p>3 Chanel, was investigated as part of the overall fraud</p> <p>4 investigation that was actually turned over to the NYPD.</p> <p>5 And I don't recall the results of that investigation.</p> <p>6 Kristina was not employed at the time that investigation</p> <p>7 was concluded.</p> <p>8 Q Okay. But was she --</p> <p>9 A Kristina was not terminated from our organization</p> <p>10 for perpetrating fraud.</p> <p>11 Q Right. Okay. So what was her -- so then was it</p> <p>12 just that she was the person that just rang the</p> <p>13 transactions, is that what the finding was for that</p> <p>14 issue?</p> <p>15 A She -- that was a red flag, the number of</p> <p>16 transactions that she rang that were fraudulent. That</p> <p>17 information was used as part of the investigation to</p> <p>18 determine why we were incurring that fraud, who was</p> <p>19 responsible for that fraud. And that -- again, that</p> <p>20 information at that point was turned over to the -- to</p> <p>21 law enforcement as part of a bigger fraud investigation</p> <p>22 from that department.</p> <p>23 Q Okay. But even if she was already terminated, she</p> <p>24 could have still been found to have been committing</p>

<p>Page 41</p> <p>1 fraud if she was --</p> <p>2 A Yes.</p> <p>3 Q -- had the findings to that effect, correct?</p> <p>4 A That is correct. She could have.</p> <p>5 Q Okay. And so she wasn't terminated for that</p> <p>6 reason, right, so what was the other reason that she was</p> <p>7 terminated for?</p> <p>8 MS. TIERNEY: I'm going to object to the form.</p> <p>9 You may answer.</p> <p>10 THE WITNESS: Our investigation at that time</p> <p>11 was around avoiding state taxes by -- yes, it</p> <p>12 was -- she had rang transactions and didn't charge</p> <p>13 state taxes. And, again, that was all presented to</p> <p>14 HR and they made a decision to terminate.</p> <p>15 BY MS. MENDOZA:</p> <p>16 Q Okay. How did they know that she rang these</p> <p>17 charges to avoid state taxes?</p> <p>18 A Well, the types of transactions she rang, but I</p> <p>19 think she admitted it to my team during the discussion.</p> <p>20 Q Okay. But at the initial stage of the</p> <p>21 investigation, was that a part of the investigations</p> <p>22 into her account?</p> <p>23 A That is -- if I recall, that was not the initial</p> <p>24 reason we looked at Kristina and other associates'</p>	<p>Page 43</p> <p>1 whether we started looking at -- whether it was her</p> <p>2 purchases. I don't recall which came first.</p> <p>3 Q Okay.</p> <p>4 A Can you repeat the question?</p> <p>5 Q So how -- what is conducted -- how was the</p> <p>6 investigation conducted in to the dollar amount of her</p> <p>7 purchases?</p> <p>8 A That's simply looking at her account history, in</p> <p>9 her purchase history, what is she buying and is there a</p> <p>10 potential abuse or policy violation.</p> <p>11 Q Okay. When you say you're looking at her purchase</p> <p>12 history, are you looking at that account that we</p> <p>13 previously talked about that the employees get at the</p> <p>14 time of hire?</p> <p>15 A Yes.</p> <p>16 Q Okay. Is there a name for that -- yeah, that</p> <p>17 credit card name?</p> <p>18 A I'm sorry, is there a need for it?</p> <p>19 Q Name.</p> <p>20 A Oh, we call it the house account card, I believe.</p> <p>21 Employee card.</p> <p>22 Q Okay. And on the purchase history on the account,</p> <p>23 in the account, does it show -- withdrawn.</p> <p>24 If she made a purchase with that house account</p>
<p>Page 42</p> <p>1 transaction activity. It was -- the initial was the --</p> <p>2 the sales, her purchase history, and then the fraud</p> <p>3 piece came later, if I remember correctly. The number</p> <p>4 of fraud transactions that we were seeing came after</p> <p>5 that. I think initially it was the number of sales --</p> <p>6 purchases she was making which led us to investigate.</p> <p>7 Q Okay. When you say the number of sales, are you</p> <p>8 saying the total amount?</p> <p>9 A There are -- going back to the exception reporting</p> <p>10 process and the algorithms and unusual activity, for an</p> <p>11 associate that has an unusual amount of purchases, it</p> <p>12 could be numbers or more often it's the dollar amount of</p> <p>13 those purchases that may create an exception for us to</p> <p>14 look at.</p> <p>15 Q Okay. So in her case, the red flag or the reason</p> <p>16 for her initial investigation was -- a part of it</p> <p>17 because of the dollar amount of her purchases; is that</p> <p>18 correct?</p> <p>19 A I believe so. I think it was the dollar amount of</p> <p>20 her purchases.</p> <p>21 Q Okay. And then what -- withdrawn.</p> <p>22 And then how is that investigated?</p> <p>23 A Well, I want to clarify. I don't recall which came</p> <p>24 first, the fraud -- we started looking at the fraud or</p>	<p>Page 44</p> <p>1 card, if she -- if she purchased an item that was on a</p> <p>2 discount and then she received the discount being an</p> <p>3 employee, does the amount that she paid show up on that</p> <p>4 charge, or is it the amount -- the full price amount?</p> <p>5 MS. TIERNEY: I'm going to object to the form.</p> <p>6 You may answer.</p> <p>7 THE WITNESS: I don't recall if the amount to</p> <p>8 the back of the house discount is included in that</p> <p>9 report or not. I don't recall. If there is a --</p> <p>10 if the merchandise is on sale before the purchase</p> <p>11 is made, just if a bag is 50 percent off or a coat</p> <p>12 is 50 percent off, that 50 percent off price would</p> <p>13 definitely show up.</p> <p>14 I don't recall if the other discount that</p> <p>15 happens back of house is the number we're looking</p> <p>16 at or not. I don't recall.</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q Okay. Right. And that's what I'm asking, is the</p> <p>19 back of house discount, if that would have been included</p> <p>20 in the, I guess, report, transaction report, for her</p> <p>21 house account, and you're saying that you don't recall?</p> <p>22 A I'm not sure.</p> <p>23 Q Okay. Is there anything that you can look at that</p> <p>24 would refresh your memory?</p>

<p>Page 45</p> <p>1 A No. I may have -- no, I may have to go to another</p> <p>2 source to find out if that's -- because, again, it's not</p> <p>3 our report we're running, it's -- I'd have to understand</p> <p>4 whether it's the pre-employee discount number we're</p> <p>5 looking at or the post-employee discount we're looking</p> <p>6 at --</p> <p>7 Q Right.</p> <p>8 A -- in the report.</p> <p>9 Q So what would be wrong with the dollar amount of</p> <p>10 purchases that an employee makes?</p> <p>11 MS. TIERNEY: I'm going to object to the form.</p> <p>12 You can answer.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q I can rephrase that if you'd like.</p> <p>15 A Well, I'll try to answer that.</p> <p>16 So it doesn't necessarily mean -- an exception</p> <p>17 or red flag doesn't mean anything is wrong. It means</p> <p>18 there could be something for us to look at. But</p> <p>19 potentially what we're looking at is there a</p> <p>20 violation of our policy. As I mentioned earlier, is an</p> <p>21 associate -- is there a potential the associate is using</p> <p>22 their employee discount for others, taking money to then</p> <p>23 give them -- extend that discount to them. Or are they</p> <p>24 potentially reselling product and then taking advantage</p>	<p>Page 47</p> <p>1 account as part of an investigation. And then, again,</p> <p>2 you know, sitting down with the individual and having</p> <p>3 the discussion and asking the questions about it.</p> <p>4 Q Okay. As far as with Kristina specifically, was</p> <p>5 she investigated for reselling?</p> <p>6 A I don't recall every element of that investigation.</p> <p>7 The information that was provided had red flags or the</p> <p>8 indications that there was unusual activity, it would be</p> <p>9 an assumption to say it was reselling. But we would ask</p> <p>10 those questions, look into it and try to understand that</p> <p>11 unusual activity.</p> <p>12 Q Okay. Were there any findings that Kristina was</p> <p>13 reselling?</p> <p>14 A My understanding is the findings were more on an</p> <p>15 avoidance of taxes.</p> <p>16 Q Okay. And do the Chanel handbags have an</p> <p>17 authenticity card in them?</p> <p>18 A I'll be honest, I don't know.</p> <p>19 Q Okay.</p> <p>20 A I know every bag is serialized, but I don't know</p> <p>21 if -- I'm not familiar with the Chanel handbag process</p> <p>22 to that level.</p> <p>23 Q Okay. Is that -- withdrawn.</p> <p>24 Does your team -- or does the investigation,</p>
<p>Page 46</p> <p>1 of our discount policy.</p> <p>2 Q Right. But how do you know that if -- that they're</p> <p>3 making those purchases for those reasons?</p> <p>4 A We would investigate and try to determine the best,</p> <p>5 to our ability, whether that -- prove or disprove that,</p> <p>6 and then -- and/or have a conversation with the</p> <p>7 associates.</p> <p>8 Q Okay. Do you look at how much the associate is</p> <p>9 making and then compare it to how much they're spending?</p> <p>10 A That would not be part of our investigation. That</p> <p>11 may be part of an algorithm, I'm not sure, from an</p> <p>12 exception reporting, but I don't believe so.</p> <p>13 Q Okay. So as to the reselling, what is done --</p> <p>14 withdrawn.</p> <p>15 How is the investigation done to find out if</p> <p>16 the employee is reselling?</p> <p>17 A Again, we would try to pull as much information to</p> <p>18 our ability. Is it -- is the merchandise being sent?</p> <p>19 Is it just to particular individuals, particular</p> <p>20 addresses? Is there any other potential confirmation</p> <p>21 and did something happen in the store where we have</p> <p>22 video of an interaction? Do we have any firsthand</p> <p>23 observations by management?</p> <p>24 So those are all things we may take in to</p>	<p>Page 48</p> <p>1 as part of the investigation, do they look to see, as</p> <p>2 far as reselling, where those serial numbers -- if they</p> <p>3 can find those serial numbers elsewhere?</p> <p>4 A No, that would be very -- my team doesn't spend</p> <p>5 a lot of time on those type of issues. Their priority</p> <p>6 is internal theft, dishonesty, et cetera, not</p> <p>7 necessarily policy-type violations.</p> <p>8 Chanel itself has their own department and</p> <p>9 processes for tracking bags and resellers, et cetera.</p> <p>10 Q Okay. And does that -- the Chanel department, was</p> <p>11 that the case at the time as well in 2016/2017?</p> <p>12 A Yes.</p> <p>13 Q Okay. And so did the Chanel department work with</p> <p>14 you or your team in determining if Kristina or any of</p> <p>15 the other employees there were resellers?</p> <p>16 A We would have worked with the Chanel leadership</p> <p>17 team at the time, if necessary, to determine that. I</p> <p>18 don't remember all the details of that particular part</p> <p>19 of the investigation or how much time we really spent on</p> <p>20 a reseller question.</p> <p>21 Q Okay. And who was part of that leadership team?</p> <p>22 A At the time, I believe it was Dennis Diaz and Cathy</p> <p>23 Younis.</p> <p>24 Q Okay. So at the time for Kristina, were Dennis</p>

<p>Page 49</p> <p>1 Diaz and Cathy involved in the investigation into her 2 accounts?</p> <p>3 A We would only involve Dennis or Cathy if we had 4 questions. We do not share the results -- I mean, 5 the -- we do not share investigation -- we do not share 6 details of investigations unless there's some 7 extenuating need, because not all investigations turn 8 out to be what they initially started as. We would -- 9 we may have partnered with them with questions on 10 process or policy. And then at the conclusion of the 11 investigation, HR may have involved them as part of the 12 disposition.</p> <p>13 Q Okay. But did they -- I guess my question is were 14 they involved in the investigation for Kristina?</p> <p>15 MS. TIERNEY: Object to the form. 16 You may answer.</p> <p>17 THE WITNESS: I don't recall what level they 18 may have been in. I can -- I can tell you what our 19 normal process would be, and that would be not to 20 involve managers unless we need to get information. 21 I don't recall that specific investigation.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q Okay. I guess I'll make it more specific, is that 24 if they were -- were they also conducting their own</p>	<p>Page 51</p> <p>1 A I don't recall specifically. I do -- I do recall 2 the -- when we first started looking at fraud and trying 3 to determine why we were seeing such high fraud rates, 4 we may have partnered with them on that. But I don't 5 recall any other conversations with them with any other 6 issues at that time.</p> <p>7 Q Did you talk about the issue of shipping out of 8 state or to other states to avoid paying taxes?</p> <p>9 A I personally did not have -- don't recall having 10 conversations around that. But that being part of this 11 investigation, Chris or the investigations team again 12 may have had conversations with them about that. I 13 don't recall.</p> <p>14 Q Okay. And do you recall if there was any -- 15 withdrawn.</p> <p>16 Do you make any -- I don't know, I guess 17 advice or recommendations to HR or to the department 18 regarding policies based on findings that you receive 19 or, you know, things that people have been doing, 20 misconduct that you find. Do you make any suggestions 21 or recommendations to them?</p> <p>22 A If they ask for my advice, I will give it. I've 23 always -- as a rule of thumb for me, I've always wanted 24 consistency in making sure that, as we apply to one, we</p>
<p>Page 50</p> <p>1 Chanel investigation as well?</p> <p>2 MS. TIERNEY: Object to the form. 3 You may answer.</p> <p>4 THE WITNESS: In to reselling?</p> <p>5 BY MS. MENDOZA:</p> <p>6 Q Yes.</p> <p>7 A I don't recall. Chanel has that -- Chanel, the 8 organization, has that as an issue that they get 9 involved with. I don't recall if Cathy or Dennis were 10 involved with Chanel in looking at reseller activity.</p> <p>11 Q Okay. And so I guess my question is, just if the 12 two -- the Chanel department, Cathy and Dennis, were 13 talking to you before the ultimate -- if they were any 14 questions in your investigation, but if you guys were 15 exchanging information that was found in each separate 16 investigation, that's what I'm asking.</p> <p>17 A I don't recall.</p> <p>18 Q All right. Besides the reselling, was there any 19 other involvement that Cathy and Dennis were discussing 20 with your team?</p> <p>21 I'll rephrase it.</p> <p>22 Not involvement, but were there any other 23 issues in the investigation that Cathy and Dennis were 24 discussing with your team?</p>	<p>Page 52</p> <p>1 apply to all. I don't recall in that particular case 2 whether they did or didn't reach out to me about the 3 disposition.</p> <p>4 Q Okay. Do you recall Kristina accusing or saying 5 that other people were shipping to other states to avoid 6 taxes?</p> <p>7 A I don't recall personally her saying that. I do 8 know that we looked at -- as part, again, the bigger 9 investigation, we looked at every associate and their 10 activity.</p> <p>11 Q Okay. And was anyone else terminated or 12 disciplined for doing the same thing?</p> <p>13 A I don't recall -- I don't recall specifically 14 anybody being terminated for the same thing. I know 15 there were multiple -- we investigated every associate 16 in those associates that looked like there may have been 17 policy violations we spoke to and we would have provided 18 those -- that information over to Human Resources. 19 There may have been -- there may have been -- I don't 20 recall, but there may have been a few other terminations 21 for violation of policy. I don't recall if it was that 22 exact policy. I just don't recall.</p> <p>23 Q Okay. What do you mean by policy violations?</p> <p>24 A Policy violation -- so a policy violation could be</p>

<p>Page 53</p> <p>1 anything from an associate not -- going out the wrong 2 entrance that they're not supposed to, they're violating 3 a policy. They could be violating any of our standards 4 of conduct in how they interact. They could be 5 violating discount abuse policy. They could be 6 violating any policy or procedure we have as an 7 organization, I guess is the way to answer that. 8 We do not investigate all of those. If 9 something comes up in our investigations on fraud and 10 theft, we will then turn those over again to Human 11 Resources, with exception, we do not investigate sexual 12 harassment. AP doesn't write those types of things. 13 Q Okay. Was there an ultimate report as to the 14 findings against -- or in to Kristina's accounts, or 15 account? 16 A I believe there was a summary that was put 17 together. 18 Q Okay. And was that after she was terminated? 19 A Typically there's a summary that's put together 20 before, so it gets turned over to Human Resources as 21 part of here's our findings. 22 MS. MENDOZA: Okay. And to the extent that we 23 don't have those, we'll be requesting those 24 documents.</p>	<p>Page 55</p> <p>1 looking at the address? 2 A From a fraud perspective, these organized fraud 3 groups would ship to the same location over and over. 4 So if multiple people had their cards compromised, these 5 fraud groups would make the purchases using compromised 6 credit cards, but have them all shipped to a single 7 location. That would be something we would look at. 8 Another thing that we would look at, if there 9 is a reselling -- if there is reselling happening, 10 typically that reselling -- that merchandise is being 11 shipped to, again, the same location over and over 12 again. 13 Q Okay. So in Kristina's instance, was -- she was 14 being investigated for -- as part of that organized 15 fraud, correct? 16 A We looked -- we were looking at every associate in 17 terms of the fraud, and Kristina had the most 18 transactions associated with her from a fraud 19 standpoint, so we did look at -- yes, she was part of 20 that investigation. 21 Q Right. So those -- and those addresses, right? 22 A Correct. 23 Q Okay. And those addresses -- withdrawn. 24 But then ultimately she wasn't found to be</p>
<p>Page 54</p> <p>1 MS. TIERNEY: You have everything, but -- and 2 if you have any requests, you can put them in 3 writing and we'll take a look at them. 4 MS. MENDOZA: Yes. 5 MS. TIERNEY: But I'm not agreeing to anything 6 in the course of deposition. 7 MS. MENDOZA: Right. 8 BY MS. MENDOZA: 9 Q So the addresses that -- withdrawn. 10 Was there an investigation done to the 11 addresses that Kristina was shipping to? 12 A I cannot say for sure. That would normally be -- 13 we would look at the addresses as part of the 14 investigation. I can't say for sure what the result of 15 that was. 16 Q Okay. So is it typical that that is part of the 17 investigation, you go through each single address that 18 she shipped to, right? 19 A We would look at each address, and when we look at 20 the transactions, we look at the -- all the components 21 of that transaction, including where was it shipped to. 22 Yes, that would be the extent of looking into the 23 address, yes. 24 Q Right. What would it be that you're looking for in</p>	<p>Page 56</p> <p>1 part of that fraud scheme, correct? 2 A No, that's not correct. Kristina -- when we looked 3 in to Kristina's transactions and had the conversation 4 with her about the avoidance of taxes, the fraud 5 investigation was continuing and did continue for 6 several months. 7 Again, we turned that information over to law 8 enforcement. What they did with the results, whether 9 they spoke to Kristina, whether they prosecuted 10 Kristina, I am not aware of what they did when they took 11 the investigation over. 12 Q Okay. 13 A Or whether they absolved her of anything, I'm not 14 aware of what they did. 15 Q Okay. What about the other people that were -- 16 withdrawn. 17 Were other associates or employees sending to 18 those same addresses? 19 MS. TIERNEY: I'm going to object to the form. 20 You can answer. 21 Did you mean that Kristina Mikhaylova was 22 sending to? 23 MS. MENDOZA: Yes. 24 THE WITNESS: I don't have all the details of</p>

<p>Page 57</p> <p>1 the investigations in front of me. I can't say for 2 certain. I don't know.</p> <p>3 BY MS. MENDOZA:</p> <p>4 Q Were any of those associates or employees 5 terminated or -- yeah, were terminated for being found 6 to have been committing fraud?</p> <p>7 A I would have to go back and look at the 8 investigation files of each of those individuals. I 9 will say we follow -- I know for a fact we followed our 10 same process that we investigated any associate that 11 were associated with fraud transactions in that 12 department because it ended up being well over a million 13 dollars in fraud.</p> <p>14 Any associate that we found policy violations 15 or -- and/or committing fraud, we would have concluded 16 the investigation, put everything together, spoken to 17 that associate, and provided that information to HR.</p> <p>18 Q Okay. But I guess I'm asking -- because you said 19 once you hand it over to law enforcement, they handle 20 it.</p> <p>21 Did anything come back from law enforcement 22 for the employees that were still working there?</p> <p>23 A I don't recall any of the associates being 24 prosecuted, but I could be wrong on that. I don't</p>	<p>Page 59</p> <p>1 Bloomingdale's employees. I don't know if others were 2 made.</p> <p>3 Q Okay.</p> <p>4 MS. TIERNEY: Hey, Counsel, we've been going 5 for about an hour and forty minutes. I'm not 6 saying we have to break right this second, but if 7 you get to a place we could take a comfort break.</p> <p>8 MS. MENDOZA: I think now actually would be a 9 good stop.</p> <p>10 - - -</p> <p>11 (Whereupon, a brief break was taken.)</p> <p>12 - - -</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q What's the -- does Bloomingdale's have a diverter 15 policy?</p> <p>16 A There are -- do we -- I don't know if we have a 17 specific diverter policy. There are policies associated 18 with different vendors, so Chanel will have a policy, 19 Gucci will have a separate policy, those types of 20 things.</p> <p>21 Q Okay. And do you know what the Chanel policy is?</p> <p>22 A I don't.</p> <p>23 Q So would it be the Chanel department, meaning, at 24 the time, Cathy and Dennis would investigate if there</p>
<p>Page 58</p> <p>1 recall any of the associates actually being prosecuted 2 while they worked for us. I could be wrong, but I don't 3 recall.</p> <p>4 Q Okay. So then did you terminate any of the 5 employees or suspend/discipline any of the employees 6 while law enforcement took over?</p> <p>7 MS. TIERNEY: I'm going to object to the form. 8 You can answer.</p> <p>9 THE WITNESS: Again, I would have to look at 10 other employee files or investigation notes to see 11 if we did end up terminating associates and why we 12 terminated them during that timeframe.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q Okay. So then was there any conclusion to whether 15 there was this organized fraud occurring?</p> <p>16 A There was -- there was a conclusion where I believe 17 some outside individuals were arrested that were 18 involved in this fraud. Again, I don't recall -- I 19 don't recall the individuals that were terminated or if 20 we terminated our associates during that time. I do not 21 know if, during that investigation, any of our ex 22 associates were prosecuted and -- as part of that fraud 23 ring. I do know there were arrests made. I do not -- I 24 know there were arrests made that were not part of the</p>	<p>Page 60</p> <p>1 was a Chanel diverter?</p> <p>2 A Yes. And we may assist with that, but that's not 3 our primary purview. You know, going back to 4 investigations and fraud, et cetera, if they need 5 assistance, we will support.</p> <p>6 Q Okay. Do you know if that was done -- an 7 investigation into that was done for Kristina?</p> <p>8 A I don't know how much that was involved in the 9 investigation. Based off the quantity of bags, it may 10 have been something that -- questions may have been 11 raised, because I know there's a certain number of 12 bags Chanel -- there's a certain number of bags that any 13 customer is allowed to purchase, but there's different 14 variances of -- by bag type or something. I can't speak 15 exactly to what that policy is.</p> <p>16 Q But as far as with Kristina and your understanding 17 of -- withdrawn.</p> <p>18 Was there a policy -- was there a 19 consideration that she had violated that policy 20 simultaneously being done while you were doing your 21 investigation?</p> <p>22 MS. TIERNEY: I'm going to object to the form. 23 You may answer.</p> <p>24 THE WITNESS: Potentially. I don't know. I</p>

<p>1 can speak to the results of our investigation and I 2 don't recall that being part of the final 3 discussion. 4 BY MS. MENDOZA: 5 Q Okay. So then do you report your findings and your 6 investigation directly to HR? 7 MS. TIERNEY: Object to the form. 8 THE WITNESS: My team and/or myself would 9 present our findings to HR, yes. 10 BY MS. MENDOZA: 11 Q Do you present it also to Cathy -- or to the Chanel 12 leadership team? 13 A No. They may be brought in, but this -- they're 14 not the decision-makers on our associates. 15 Q Okay. So I'll introduce an exhibit, Plaintiff's 16 Exhibit 1. 17 --- 18 (Whereupon, the document was marked, for 19 identification purposes, as P-1.) 20 --- 21 BY MS. MENDOZA: 22 Q Can you see the document in front of you, 23 Mr. Becker? 24 A I can. Yes. Thank you for doing that. Yes, I can</p>	Page 61	<p>1 how I'm reading this, Chris had the conversation. The 2 team could have the conversation, or Chris can be 3 involved in that conversation. This looks like he had 4 the conversation with Kristina. 5 There is no decision as to whether we present 6 to HR. They don't have to go to me to present to HR. 7 Every investigation that we include from an 8 investigative standpoint, it's -- as part of our 9 process, it goes to HR. 10 So there's no decision there whether to get HR 11 involved or to present our findings to HR. That's going 12 to happen. They don't need my permission to do that. 13 Chris would have, again, kept me abreast of 14 this as well as any other investigations occurring at 15 that time. 16 Q Okay. I guess I'm asking in the sense of if it was 17 part of a bigger investigation that was being conducted 18 at the time, did he have to send you his findings? 19 MS. TIERNEY: Object to the form. 20 You can answer. 21 THE WITNESS: Chris would update me on all 22 investigations, so there -- again, I do recall that 23 we did investigate the activity in Chanel starting 24 with the initial exceptions received from the</p>	Page 63
<p>1 see it. 2 Q So it says there Bloomingdale's at the top, and at 3 the bottom right-hand corner of the page it says 4 BLM 00033. 5 You see that, right? 6 A I do. 7 Q Okay. Is this the document, the summary, that you 8 were discussing or referencing before regarding Kristina 9 Mikhaylova's investigation? 10 A This is the summary that I was referencing. 11 Q Okay. And is that you that wrote this? 12 A No, it is not. 13 Q Who wrote this? 14 A Based off of how I'm reading this, this says, I, 15 Chris Castellani, had a specific -- so this sounds -- 16 this looks like Chris wrote this. 17 Q Okay. So then, for Kristina, was it that 18 Christopher did the investigation, made the conclusion, 19 and then did he have to get your -- did you review it or 20 did he just -- he can make the final decision and send 21 it to HR? 22 A I will answer -- there's different pieces to that 23 question. So his team may have put this together. They 24 work as a team putting an investigation together. From</p>	Page 62	<p>1 corporate teams to the fraud activity -- the 2 potential fraud activity we were starting to see. 3 So there was an overall investigation. The team 4 was -- again, he would keep me abreast of that. He 5 would definitely keep me abreast of investigations 6 into the individual associates, and I do know there 7 was investigations in to multiple associates in 8 Chanel. 9 Does that answer your question? 10 BY MS. MENDOZA: 11 Q Yes. 12 Okay. So at the top there, it says: On 13 May 4th -- the first paragraph: On May 4th, 2017, 14 central investigations forwarded an issue. 15 Do you see that there? 16 A Yes. 17 Q So with Kristina -- it says: With Kristina 18 Mikhaylova's employee account, which had been blocked 19 for potential reselling activity. 20 So my understanding is that, first, Kristina's 21 account was blocked for reselling, correct? 22 A That's how I would interpret this. 23 Q Okay. So were you aware that Kristina's account 24 was first blocked for reselling?</p>	Page 64

<p>Page 65</p> <p>1 A I don't recall that being a part of it until I read 2 the documentation.</p> <p>3 Q Okay. And then is that typical, what typically 4 happens in these investigations?</p> <p>5 A It's not a very common occurrence, but if there -- 6 if the organization feels that there is significant red 7 flags for reselling activity by our associates, they can 8 block the activity on the card. And they can do that 9 for any reason if they feel that there is exposure. It 10 could be fraud, it could be anything, but they have the 11 ability to block transaction activity -- the selling 12 activity on accounts.</p> <p>13 Q Okay. And who makes that decision?</p> <p>14 A The -- I do not know who specifically makes that 15 decision. I would -- it would come from Macy's credit 16 services, the folks who manage our accounts.</p> <p>17 Q Okay. And so who is central investigations?</p> <p>18 A Central investigations would be our corporate asset 19 protection team. As described earlier, that 919 3rd 20 Avenue, Abe Gonzalez was part of that corporate 21 investigations team.</p> <p>22 Q Okay. Right. And so can anyone call in to 23 corporate and say, hey, there's something going on here, 24 do an investigation for potential reselling?</p>	<p>Page 67</p> <p>1 are the liaison with Macy's fraud teams. And Macy's 2 credit services teams. And in any enterprise wide 3 support team, they would go through Bloomingdale's -- 4 again, we are a division of Macy's Inc. That would be 5 their first point of contact would be to reach out to 6 the central or corporate investigations team.</p> <p>7 They then would look at it and forward it on 8 to the field team. So New York City, being part of the 9 field for Bloomingdale's, a part of the store 10 organization, they would send it to my team for further 11 investigation.</p> <p>12 Q Okay. And you may have stated this already, but do 13 you know -- withdrawn.</p> <p>14 What was the reason -- what was the initial 15 issue with Kristina's account?</p> <p>16 MS. TIERNEY: Object to the form.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: Based off of documentation I've 19 seen and not full recollection of 2017, this -- 20 it's actually described here in this document that 21 a algorithm exception came up with a number of 22 purchases or dollar amount of purchases on 23 Kristina's account, and it was flagged for unusual 24 activity. That's from this document, which -- and,</p>
<p>Page 66</p> <p>1 MS. TIERNEY: Object to the form. 2 You may answer.</p> <p>3 THE WITNESS: Absolutely. I mean anybody 4 can -- any associate or even a customer can call 5 and say that there's suspicious activity for any 6 reason.</p> <p>7 So, yes, theoretically, anybody can call and 8 say there's suspicious activity around reselling, 9 yes.</p> <p>10 BY MS. MENDOZA: 11 Q Okay. And how often has that happened? 12 MS. TIERNEY: Object to the form. 13 You can answer.</p> <p>14 THE WITNESS: I cannot speak to how often that 15 happens. It is not a very common -- that we -- 16 that I have seen associates call with suspicious 17 activity around reselling. It has happened. I 18 don't recall how often. And I don't think it's 19 that often.</p> <p>20 BY MS. MENDOZA: 21 Q So is it -- but is it common that central 22 investigations would forward an issue? 23 A Yes. Central -- and I use those words 24 interchangeably, central and corporate investigations</p>	<p>Page 68</p> <p>1 again, I don't remember the timing of it, but it 2 was also the communication that she was on a list 3 of fraud transactions that she was the selling 4 associate. So it's two separate communications 5 around Kristina.</p> <p>6 BY MS. MENDOZA: 7 Q Right. To be more specific, do you know if someone 8 called central investigation corporate and said to look 9 at her account? 10 A I do not know if that happened. I don't recall if 11 that happened. Based off this information, the 12 documentation, it doesn't seem like that happened, but I 13 do not know.</p> <p>14 Q Okay. And central investigations or corporate 15 would have that information, right, if it was -- if it 16 did happen? 17 MS. TIERNEY: Object to the form.</p> <p>18 THE WITNESS: I do not know what they do or do 19 not have. I do know that very often this would -- 20 it may be -- you would think it would be -- I would 21 think it would be in this summary that this is 22 based off a tip, but this looks like it was a 23 review of purchase history from Macy's -- from 24 Macy's credit services which matches my</p>

<p>1 recollection.</p> <p>2 BY MS. MENDOZA:</p> <p>3 Q Okay. And it says: During review of -- the second</p> <p>4 paragraph: During review of Mikhaylova's purchase</p> <p>5 history, Bloomingdale's account review, loyalist account</p> <p>6 review and personal credit card review.</p> <p>7 Right? You see that there?</p> <p>8 A Yes.</p> <p>9 Q Okay. So before we had only been talking about</p> <p>10 that house account, right? That was the credit card</p> <p>11 that we were talking about?</p> <p>12 A Yes.</p> <p>13 Q This -- okay. So is the loyalist account the same</p> <p>14 as the house account?</p> <p>15 A So the loyalist account is our rewards program.</p> <p>16 You get points for how many purchases you make, the</p> <p>17 dollar amounts, you get points. So that is a loyalist</p> <p>18 program. So that usually is attached to your account,</p> <p>19 but it could be attached to multiple accounts.</p> <p>20 So it's separate, but it's part of, again, the</p> <p>21 same -- your purchase history. So it's not an account</p> <p>22 you charge to. It's a rewards account. That's what a</p> <p>23 loyalist account is.</p> <p>24 Q Okay. So then -- so nonemployees can have the</p>	<p>Page 69</p> <p>1 mentioned here. So if they had that, they would have</p> <p>2 looked at it.</p> <p>3 But, yes, this is her purchase history.</p> <p>4 Q Okay. And going back to -- you mentioned that at</p> <p>5 the top, that central investigations forwarding an issue</p> <p>6 with Kristina Mikhaylova's employee account.</p> <p>7 I mean, it doesn't say that that was -- it</p> <p>8 doesn't say there that she was reselling, that it was</p> <p>9 for reselling, right? It just says an issue, forwarded</p> <p>10 an issue with her account?</p> <p>11 A That's what it says, correct.</p> <p>12 Q Okay. And do you know what that issue was?</p> <p>13 A I can't speak to exactly what the issue mentioned</p> <p>14 in this document is. I didn't write it. However, based</p> <p>15 off of my knowledge of the investigation, the issue was</p> <p>16 the sales that -- the purchase activity on her account.</p> <p>17 Q Okay. And we can get off the screen now. Thank</p> <p>18 you.</p> <p>19 So -- but how many employees are -- how many</p> <p>20 employees are there at --</p> <p>21 A Can you define --</p> <p>22 MS. TIERNEY: Object to the form.</p> <p>23 You can answer.</p> <p>24 Are you talking 59th Street or company wide?</p>
<p>Page 70</p> <p>1 loyalist account, right?</p> <p>2 A Unless you opt out, every employee should have a</p> <p>3 loyalist account because you get rewards the same as our</p> <p>4 customers do.</p> <p>5 Q Right. So I'm asking any customer then can have</p> <p>6 the same, it's not just employees get that, right?</p> <p>7 A Correct, yes.</p> <p>8 Q And then the Bloomingdale's account review, is that</p> <p>9 specific to employees?</p> <p>10 A That would be -- so, yes, my understanding is that</p> <p>11 is referencing the Bloomingdale's house account or the</p> <p>12 employee card or however we want to call it, the account</p> <p>13 that's used to make purchases for employees.</p> <p>14 Q Okay. And so then in looking at this document, all</p> <p>15 of her accounts, all of Kristina's accounts, were</p> <p>16 reviewed, correct?</p> <p>17 A This mentions personal credit card review. If she</p> <p>18 had a -- I don't recall or have knowledge of what the</p> <p>19 results of a personal card, if she used a personal card</p> <p>20 that was attached to her that may have come up in our</p> <p>21 reporting, and they may -- the team may have looked at</p> <p>22 it. I don't recall that being part of it -- this, but</p> <p>23 if my team had that information, we'd certainly look to</p> <p>24 see if there was purchases on a personal card. It's</p>	<p>Page 72</p> <p>1 What are you asking?</p> <p>2 MS. MENDOZA: At the 59th Street store.</p> <p>3 MS. TIERNEY: In 2017?</p> <p>4 MS. MENDOZA: Yes.</p> <p>5 THE WITNESS: That was going to be my question</p> <p>6 2017? I can't give you an exact number. So we</p> <p>7 have used -- because there are direct paid</p> <p>8 employees, there are other employees that we</p> <p>9 consider not paid by us that do go into -- and I</p> <p>10 assigned an employee ID number but are paid by</p> <p>11 vendors. There are executives. There are</p> <p>12 employees that come here that actually aren't paid</p> <p>13 by us at all and don't have our number, so -- and</p> <p>14 that number fluctuates. And there's support, sales</p> <p>15 et cetera.</p> <p>16 At the time, I'm going to estimate, and it</p> <p>17 being in the spring, probably up around 2,500</p> <p>18 employees.</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q Okay. So is corporate -- the corporate central</p> <p>21 investigations responsible for overseeing those 2,500</p> <p>22 employees?</p> <p>23 A No. The corporate investigations team is tasked</p> <p>24 with supporting the store teams with their internal</p>

<p>Page 73</p> <p>1 investigations.</p> <p>2 Q So it seems to me that there is -- with all those</p> <p>3 employees, how -- withdrawn.</p> <p>4 So is it the algorithm that picked up for</p> <p>5 Kristina that her -- the purchases that she was making,</p> <p>6 the number of purchases that she was making that was a</p> <p>7 red flag?</p> <p>8 A Yes. It is my understanding that -- and there are</p> <p>9 a number of exceptions that come out of those processes</p> <p>10 and algorithms. Everything from unusual purchase</p> <p>11 activity for a customer to associates -- to exception</p> <p>12 reporting that could be associated with potential</p> <p>13 violations of policy to -- et cetera. There are a lot</p> <p>14 of different algorithms, as you would expect. My</p> <p>15 recollection is the initial information that came</p> <p>16 regarding with Kristina's purchase history came out of</p> <p>17 a -- an exception report based off an algorithm.</p> <p>18 Q Okay.</p> <p>19 A Because, again, that came from Macy's credit</p> <p>20 services where the associates that they look at include</p> <p>21 Macy's and Bloomingdale's and all the other divisions of</p> <p>22 Macy's corporate.</p> <p>23 Q Right. I guess I'm trying to figure out if the --</p> <p>24 my question is: Does -- which comes first, do you first</p>	<p>Page 75</p> <p>1 Q Okay. And if the card is no longer blocked, does</p> <p>2 that mean that she's absolved of the potential reselling</p> <p>3 accusation?</p> <p>4 A If the card is unblocked, that means she can</p> <p>5 continue to utilize the card. The reason for -- which</p> <p>6 is separate from the reason for the card being</p> <p>7 unblocked. It could be she was absolved from reselling.</p> <p>8 That's potential. I'm not stating that's what happened</p> <p>9 in this case.</p> <p>10 Q Okay. So if you're -- but if the card is blocked</p> <p>11 initially, it's for potential reselling, right?</p> <p>12 MS. TIERNEY: Object to the form.</p> <p>13 You may answer.</p> <p>14 THE WITNESS: In this particular case, based</p> <p>15 off the information that was provided, that would</p> <p>16 be the assumption I would make. Cards could be</p> <p>17 blocked for other reasons. In this particular</p> <p>18 case, that would be the assumption that would make</p> <p>19 that -- it would be blocked -- or blocked for that</p> <p>20 exception, the reason why that was blocked in the</p> <p>21 first place, which would have been the unusual</p> <p>22 purchase activity.</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q Okay. If we look at Plaintiff's Exhibit 2.</p>
<p>Page 74</p> <p>1 go look at this person's account and then see --</p> <p>2 enter -- see the algorithms, see how it works out.</p> <p>3 Okay. This seems -- there's a red flag, or is it the</p> <p>4 reverse, that all of a sudden it highlights FYI, this</p> <p>5 person needs to be flagged, this person needs to be</p> <p>6 reviewed?</p> <p>7 A If you're talking in general investigations, it</p> <p>8 could go any way. If we're looking at somebody</p> <p>9 investigating someone for a particular reason and we</p> <p>10 want to get more in-depth information or detail around</p> <p>11 their transactions, we could request that.</p> <p>12 My understanding from this was, based off her</p> <p>13 purchase history, it came out as an exception, and our</p> <p>14 credit services team would then forward that to the</p> <p>15 relevant division investigations team. If this was</p> <p>16 Macy's, they would have sent -- if it was a Macy's</p> <p>17 associate, they would have sent it to the Macy's</p> <p>18 investigation team. Our central investigations team,</p> <p>19 Abe, is my recollection -- part of my recollection,</p> <p>20 would then send that to the field, my team, to</p> <p>21 investigate further.</p> <p>22 Q And do you recall if her card was unblocked at any</p> <p>23 point?</p> <p>24 A No, I don't recall.</p>	<p>Page 76</p> <p>1 - - -</p> <p>2 (Whereupon, the document was marked, for</p> <p>3 identification purposes, as P-2.)</p> <p>4 - - -</p> <p>5 BY MS. MENDOZA:</p> <p>6 Q Do you see the document in front of you?</p> <p>7 A I do.</p> <p>8 Q Okay. It says there at the bottom right-hand</p> <p>9 corner, BLM 001952.</p> <p>10 You see that, right?</p> <p>11 A I do.</p> <p>12 Q Have you seen this before? It's a suspension</p> <p>13 notification there. It says associate name, Angi Lee.</p> <p>14 A I am familiar with this form, and I do recall Angi</p> <p>15 Lee.</p> <p>16 Q Okay. Was she accused of -- withdrawn.</p> <p>17 Was she investigated for the same reasons that</p> <p>18 Kristina was investigated?</p> <p>19 MS. TIERNEY: Objection to form.</p> <p>20 THE WITNESS: Angi Lee was investigated along</p> <p>21 with Kristina and the other Chanel associates for</p> <p>22 the reasons I described above, the concerns over</p> <p>23 fraud. And, again, the fraud is what initiated</p> <p>24 a lot of the bigger investigation.</p>

<p>Page 77</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q Okay. All right. So if you keep going down --</p> <p>3 actually, is this document part of that file that we</p> <p>4 talked about before, that there would be an</p> <p>5 investigation file for Kristina, we'll say in this case,</p> <p>6 for her investigation?</p> <p>7 A It should be. This is a standard document because</p> <p>8 asset protection, we're not decision makers. If at the</p> <p>9 end of an investigation -- at the end of a investigation</p> <p>10 and any discussion with an associate, we suspend the</p> <p>11 associate and then, again, turn the information over to</p> <p>12 HR, or, as it's listed here, employee relations. And</p> <p>13 then they take it from there.</p> <p>14 So this a standard document you give the</p> <p>15 associate so they have the phone number for HR/employee</p> <p>16 relations, et cetera. It should be part of that file.</p> <p>17 I don't know that it's required to be part of that file.</p> <p>18 But this is the document. We usually have two. We give</p> <p>19 one to the associate and we try to keep one as well.</p> <p>20 Q But usually at the -- well, in this case, Kristina</p> <p>21 was suspended, right? Do you recall?</p> <p>22 A My -- I don't recall. She -- that's our standard</p> <p>23 process.</p> <p>24 Q Okay. So at the point of the suspension, is the</p>	<p>Page 79</p> <p>1 witness?</p> <p>2 A Yup.</p> <p>3 Q Well, actually -- withdrawn.</p> <p>4 Was this written by Christopher Castellani, do</p> <p>5 you know?</p> <p>6 A I do not know who wrote this document.</p> <p>7 Q Okay. Have you seen this before?</p> <p>8 A If I've seen this before, it hasn't been recently.</p> <p>9 I don't recall. This looks like notes. I'm not sure.</p> <p>10 Q Okay. We can continue on.</p> <p>11 And if you keep going to the next page, 1957.</p> <p>12 All right. You see there at the top, it says</p> <p>13 investigative summary, Angi Lee?</p> <p>14 A Yup.</p> <p>15 Q Was this written by you?</p> <p>16 A It was not.</p> <p>17 Q Okay. And you see it says, subject details, then</p> <p>18 investigation details?</p> <p>19 A Yes.</p> <p>20 Q Okay. And you see it says violations?</p> <p>21 A Yes.</p> <p>22 Q Then it's discount abuse, tax evasion and</p> <p>23 reselling?</p> <p>24 A Yes.</p>
<p>Page 78</p> <p>1 investigation already done and now it's just handing it</p> <p>2 over to HR?</p> <p>3 A Yes. So after we speak to the associate about the</p> <p>4 issue at hand, in this case, the -- Kristina's</p> <p>5 transactions, we then have the conversation, statement,</p> <p>6 suspend, turn the information over to HR.</p> <p>7 Again, at the time there was a bigger fraud</p> <p>8 investigation, that was not done.</p> <p>9 Q Right. Okay. And so if we go down to the next</p> <p>10 page, to 1954. You see the line: Spoke about -- we</p> <p>11 also spoke about transactions shipped to YuYu to NH.</p> <p>12 Do you see that there?</p> <p>13 A Yes.</p> <p>14 Q Do you know who YuYu is?</p> <p>15 A I do not know who YuYu is. It sounds like that was</p> <p>16 an individual or a customer, shipped to New Hampshire.</p> <p>17 Q Okay. But do you know, as far as Kristina's</p> <p>18 investigation, if that person was relevant in the</p> <p>19 investigation?</p> <p>20 A No, I do not. It sounds familiar. I cannot speak</p> <p>21 to it, though.</p> <p>22 Q Okay. And if you go to the next page where it says</p> <p>23 1 -- BLM 001955.</p> <p>24 At the top right-hand corner, see it says Abe,</p>	<p>Page 80</p> <p>1 Q Is this -- and we can go back.</p> <p>2 So findings and recommendation, and then you</p> <p>3 see there different events.</p> <p>4 You see all that there?</p> <p>5 A Yup, I do.</p> <p>6 Q So was all of this similarly done to Kristina?</p> <p>7 A So a summary of the activity, along with this</p> <p>8 statement, would be done with any investigation. And</p> <p>9 then that -- this is the documentation and turned over</p> <p>10 to HR.</p> <p>11 Is that your question?</p> <p>12 Q Yeah. Were there any -- do you recall seeing any</p> <p>13 incidents like this where it says on the date of and</p> <p>14 then her transactions ringing up, and then victim, the</p> <p>15 account, all of that. Was that done to Kristina?</p> <p>16 A In terms of the format of the summary, I don't know</p> <p>17 that -- I don't know if there's a document that has the</p> <p>18 exact same formatting as this document does, this</p> <p>19 summary.</p> <p>20 Q Okay. Besides the formatting, just was it done for</p> <p>21 Kristina?</p> <p>22 MS. TIERNEY: I'm going to object to the form.</p> <p>23 You may answer.</p> <p>24 BY MS. MENDOZA:</p>

<p>Page 81</p> <p>1 Q When I say was it done, did you see anything --</p> <p>2 A I don't -- I don't recall. I don't recall</p> <p>3 specifically what summary was done for Kristina.</p> <p>4 Q Okay. But were there any videos reviewed for</p> <p>5 Kristina and the purchases that she rang up?</p> <p>6 A That is part of the process, an investigative</p> <p>7 process, to review any video. I don't know if that did</p> <p>8 or didn't happen with Kristina. I will say that</p> <p>9 Kristina was one -- again, being the -- at the beginning</p> <p>10 of the overall investigation, she was one of the first</p> <p>11 associates we spoke to. And there's only a few weeks of</p> <p>12 video to review, so I don't know if her transactions</p> <p>13 were within that few weeks of video we had at the time</p> <p>14 that this was -- these transactions. We were already</p> <p>15 conducting the bigger investigation.</p> <p>16 So it's a little different in terms of the</p> <p>17 investigative process. We were already investigating</p> <p>18 when these transactions happened, so we would have</p> <p>19 absolutely reviewed video here if Kristina -- if there</p> <p>20 was video available for the transactions in question for</p> <p>21 Kristina as part of our process, we would have reviewed</p> <p>22 the video then as well.</p> <p>23 Does that answer your question?</p> <p>24 Q Yes, yes. And so -- right, because you see here it</p>	<p>Page 83</p> <p>1 that started around May 4th, 2017?</p> <p>2 MS. TIERNEY: Object to the form.</p> <p>3 You may answer.</p> <p>4 THE WITNESS: I would need to see the</p> <p>5 documentation as to when that exception report was</p> <p>6 communicated about the high rates of fraud. If my</p> <p>7 memory serves me, that was before the documentation</p> <p>8 here about the investigation in to Kristina's</p> <p>9 purchases.</p> <p>10 So we -- that initial communication of fraud</p> <p>11 was earlier, which is -- would have led us to look</p> <p>12 at those specific fraud transactions as well as the</p> <p>13 other -- any other potential fraud transactions in</p> <p>14 the department and the associates ringing them.</p> <p>15 So the overall fraud investigation I think</p> <p>16 would kind of gotten kicked off a little earlier</p> <p>17 than the review of -- which was separate, but the</p> <p>18 communication of the transactions for Kristina.</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q Okay. And if you go down to 1965, you see that</p> <p>21 there, it looks like a receipt, right?</p> <p>22 A This, yes, looks like the information from our</p> <p>23 electronic journal about a send transaction and a</p> <p>24 purchase.</p>
<p>Page 82</p> <p>1 says June 13th, 2017, right?</p> <p>2 A Yes.</p> <p>3 Q And do you recall when Kristina was terminated?</p> <p>4 A No. No, I don't.</p> <p>5 Q Okay. Do you recall how long the investigation had</p> <p>6 started, like before her termination when it started?</p> <p>7 A I don't recall, no.</p> <p>8 Q Okay. Because if we look back to -- I guess we can</p> <p>9 look back to the -- Plaintiff's Exhibit 1, it said: On</p> <p>10 May 4th, 2017, central investigations forwarded an issue</p> <p>11 with Kristina Mikhaylova, right?</p> <p>12 A Right.</p> <p>13 Q And then here, in looking at Angi who was also part</p> <p>14 of the accused alleged fraud scheme, right, she was also</p> <p>15 a part of that with Kristina; is that correct?</p> <p>16 A Again, we did look at every associate in the Chanel</p> <p>17 fraud activity and the fraud, et cetera. So, yes, all</p> <p>18 associates were investigated.</p> <p>19 Q Okay. And here it starts from June 13th. And up</p> <p>20 at the top it says May 26th, 2017, June 30th purchases.</p> <p>21 So was the investigation done -- when I say</p> <p>22 investigation, I say -- yeah, the investigation. As far</p> <p>23 as for the alleged fraud that she was -- that Kristina</p> <p>24 was accused of or alerted, red flagged for, was that --</p>	<p>Page 84</p> <p>1 Q Okay. And is that part of what was reviewed for</p> <p>2 Kristina as far as her purchases?</p> <p>3 MS. TIERNEY: Object to the form.</p> <p>4 You may answer.</p> <p>5 THE WITNESS: This exact -- are you asking me</p> <p>6 if this exact purchase?</p> <p>7 BY MS. MENDOZA:</p> <p>8 Q No, I'm saying is that how the process is and the</p> <p>9 investigation, is that you go through the receipts such</p> <p>10 as that, you go through each of her receipts?</p> <p>11 A It can be, yes. As part of investigation, we can</p> <p>12 get overall information, reporting, et cetera. We can</p> <p>13 use -- this is another tool available to the</p> <p>14 investigators to go in and see more detailed</p> <p>15 investigation -- or, I'm sorry, more details about</p> <p>16 specific transactions.</p> <p>17 So that would be -- if there was suspicion or</p> <p>18 if there was -- we wanted to see more detail about an</p> <p>19 investigation, we would utilize this electronic journal</p> <p>20 tool to look at the details of the receipt. That would</p> <p>21 be normal for an investigation.</p> <p>22 Q Okay. And then if we go down to 1971, BLM 001971.</p> <p>23 See there -- you see the document?</p> <p>24 A I see it.</p>

<p>Page 85</p> <p>1 Q Okay. And it says case detail, case number.</p> <p>2 A Yes.</p> <p>3 Q Okay. Is this part of the file that is opened when</p> <p>4 an investigation is open for an employee?</p> <p>5 A This -- this is -- this document is part of our</p> <p>6 electronic case management system. So when we come to a</p> <p>7 conclusion on a case, this information is entered in to</p> <p>8 this case management system to ensure we keep the</p> <p>9 details of any particular case. All this -- this being</p> <p>10 an employee, it would be coded differently. It says</p> <p>11 record type Bloomingdale's internal. If we catch a</p> <p>12 shoplifter, it would have been Bloomingdale's external.</p> <p>13 If it was Macy's, they would have had Macy's</p> <p>14 internal. So anyone that we come to a disposition on,</p> <p>15 from an employee perspective, for -- resulting in an</p> <p>16 asset protection investigation, we would enter their</p> <p>17 information in to this case management system.</p> <p>18 Q Okay. But you're saying at the end of the</p> <p>19 investigation?</p> <p>20 A That's correct.</p> <p>21 Q Okay. So then while the investigation is going on,</p> <p>22 you stated -- withdrawn.</p> <p>23 So -- but, however is there a document -- or</p> <p>24 is there a case management system that keeps track of</p>	<p>Page 87</p> <p>1 where we handled violations of policy.</p> <p>2 Q Okay. So what was the ultimate conclusion then</p> <p>3 for --</p> <p>4 A My -- so my -- I don't recall exactly, but I'm</p> <p>5 looking at this document. And as I look at this</p> <p>6 document, since the case was -- was entered in here, I</p> <p>7 would make the assumption that the associate was</p> <p>8 terminated, and it was -- the associate was not</p> <p>9 terminated for dishonesty but for administrative -- it</p> <p>10 was administrative discharge meaning it was a violation</p> <p>11 of company policy if the person was -- if it was</p> <p>12 someone -- if an associate was found to be dishonest,</p> <p>13 that would be coded differently.</p> <p>14 Q Okay. And do you recall who Idress Orya is?</p> <p>15 A No, I don't recall.</p> <p>16 Q No? Okay.</p> <p>17 MS. MENDOZA: You can go down to 2004.</p> <p>18 BY MS. MENDOZA:</p> <p>19 Q Okay. You see that document there?</p> <p>20 A I do.</p> <p>21 Q And at the bottom it says BLM 002004. So -- and we</p> <p>22 can go to the next page, there's a receipt.</p> <p>23 Does this refresh your memory in any way of</p> <p>24 who this person was?</p>
<p>Page 86</p> <p>1 the ongoing investigation?</p> <p>2 MS. TIERNEY: I'm going to object to the form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: I don't recall back in 2017 --</p> <p>5 '16, '17, '18 if we were utilizing a -- a portion.</p> <p>6 I don't think we were utilizing because this had</p> <p>7 been new, this system. I don't think we were using</p> <p>8 a system to track investigations, per se, because</p> <p>9 some investigations could be over in a day and we</p> <p>10 find there's no merit to it and we move on. So we</p> <p>11 don't necessarily track all of those things. We</p> <p>12 would track -- the investigator would track their</p> <p>13 own caseload individually.</p> <p>14 BY MS. MENDOZA:</p> <p>15 Q Do you know if Angi Lee was terminated?</p> <p>16 A I do not know if she was terminated.</p> <p>17 Q Do you know if she committed fraud?</p> <p>18 A I do not know if she committed fraud. I will say</p> <p>19 the same thing I did with Kristina Mikhaylova, it is</p> <p>20 that, you know, we provided all the details of any</p> <p>21 potential fraud over to the task force that was, again,</p> <p>22 prioritizing the external person if they determined that</p> <p>23 any of our associates or external associates were</p> <p>24 involved, and that would be separate from a process</p>	<p>Page 88</p> <p>1 A Refresh my memory, no. From the documentation, it</p> <p>2 looks like it was an associate that was suspended.</p> <p>3 Q Okay. And then we can keep going down to 2011.</p> <p>4 And you see there it says: I, Jeana Pantoliano Asset</p> <p>5 Protection Central Investigations Manager.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q Did she work with Abraham Gonzalez?</p> <p>9 A She did.</p> <p>10 Q So she was -- the asset protection central</p> <p>11 investigations, that's the corporate, right?</p> <p>12 A Correct.</p> <p>13 Q Okay. And it says there about conversation -- I</p> <p>14 had a conversation with store 001 Chanel handbag</p> <p>15 employee Angi Lee while asset protection manager of</p> <p>16 fraud and e-commerce, Abraham Gonzalez, sat as witness.</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q It says: During that -- the next paragraph says:</p> <p>20 During that conversation, we discussed Lee's involvement</p> <p>21 with Boston X-Closet and boutique owner YuYu Lai Lee --</p> <p>22 I'm sorry, YuYu Lai.</p> <p>23 Do you see that there?</p> <p>24 A Yup.</p>

<p>Page 89</p> <p>1 Q Do you know what Boston X-Closet is?</p> <p>2 A No, I have no idea.</p> <p>3 Q Was that part of the investigation?</p> <p>4 MS. TIERNEY: Object to the form.</p> <p>5 You may answer.</p> <p>6 THE WITNESS: I don't know. I would make an</p> <p>7 assumption it was based off this.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q Okay. But you don't recall if that was --</p> <p>10 withdrawn.</p> <p>11 So you're saying that you do recall Boston</p> <p>12 X-Closet being investigated or being a part of</p> <p>13 Kristina's investigation?</p> <p>14 A No, I did not state that. I stated that I don't</p> <p>15 recall the details of the investigation. My -- I would</p> <p>16 make an assumption, based off this, that there was some</p> <p>17 relevance to Boston X-Closet boutique, or whatever it</p> <p>18 is, as part of the investigation.</p> <p>19 Q Okay. And do you recall anything about -- or the</p> <p>20 significance of X-Closet or YuYu Lai in Kristina's</p> <p>21 investigation?</p> <p>22 A I do not recall. I would just make any assumptions</p> <p>23 based off this document.</p> <p>24 Q Okay. Do you recall when Kristina was suspended?</p>	<p>Page 91</p> <p>1 or potential violation, all -- whether it's a small</p> <p>2 violation or larger, more an issue like theft, anyone</p> <p>3 who, at the conclusion of the discussion we have with</p> <p>4 the associate, they are suspended and then that</p> <p>5 information is turned over to HR.</p> <p>6 Why that process is in place, I can't speak</p> <p>7 to.</p> <p>8 Q Okay. But can there be a determination to not</p> <p>9 suspend someone after an investigation?</p> <p>10 A Yeah. Yes. That is possible. If an</p> <p>11 investigation -- during an investigation it reveals that</p> <p>12 there was absolutely no wrongdoing, there was no</p> <p>13 relevance to the issue at hand, we interview, an</p> <p>14 explanation was made, and there was absolutely no -- no</p> <p>15 further activity would probably be taken as an</p> <p>16 exception, which would not be common. We would not</p> <p>17 suspend and send the associate back to the floor.</p> <p>18 Q Okay. So -- right. So you would -- and you would</p> <p>19 not hand it over to HR, or would you?</p> <p>20 A We would still bring HR in to the loop that --</p> <p>21 because we did have a conversation. Again, you know,</p> <p>22 there's lots of different types of conversations, but if</p> <p>23 we suspected an associate violating a policy and during</p> <p>24 the discussion we were completely wrong and we have the</p>
<p>Page 90</p> <p>1 A I do not specifically recall when Kristina was</p> <p>2 suspended.</p> <p>3 Q Okay.</p> <p>4 A I was not present, that I do recall.</p> <p>5 Q When you say you were not present, are you saying</p> <p>6 physically in the conversation with Kristina?</p> <p>7 A I'm saying I was not there when she was given the</p> <p>8 notice and saying you're suspended. I may have</p> <p>9 remembered that, but I don't recall all the</p> <p>10 investigations and the interviews and the -- you know,</p> <p>11 there's been a lot of investigations between 2017 and</p> <p>12 today. I do not recall if -- I do not recall being in</p> <p>13 the room when Kristina would have been suspended or been</p> <p>14 part of that process.</p> <p>15 Q Okay. So we can get off this screen.</p> <p>16 So if at the time that -- because at the time</p> <p>17 of the suspension that -- withdrawn. I'll take it back.</p> <p>18 Why are employees suspended after an</p> <p>19 investigation?</p> <p>20 A They're suspended -- well, that's not -- so I'll</p> <p>21 answer that question with that's not my purview. I'm</p> <p>22 not part of the decision as to why that process is in</p> <p>23 place.</p> <p>24 It is our policy that if there is a violation</p>	<p>Page 92</p> <p>1 wrong associate or there was a logical explanation that</p> <p>2 we hadn't thought of, we would not suspend, we would</p> <p>3 allow the associate to go back to the floor and we would</p> <p>4 inform HR of -- just as a record of the conversation.</p> <p>5 Q Okay. So in Kristina's case, at the time that she</p> <p>6 was suspended in June -- early June 2017, at that point</p> <p>7 there was no -- she had not been found to have committed</p> <p>8 fraud, correct?</p> <p>9 A That is correct.</p> <p>10 Q Okay. So why was she still questioned or</p> <p>11 investigated by Christopher Castellani?</p> <p>12 MS. TIERNEY: Object to the form.</p> <p>13 You may answer.</p> <p>14 THE WITNESS: She -- during the course of the</p> <p>15 investigation, it was -- there was enough</p> <p>16 information -- or I don't want to use the word</p> <p>17 evidence because that's not correct, but there was</p> <p>18 enough potential violations of policy for us to sit</p> <p>19 down and have a conversation with her. We -- we</p> <p>20 needed an explanation to some of the unusual</p> <p>21 activity, including why merchandise was being sent</p> <p>22 without tax being charged. So we then had that</p> <p>23 conversation with her.</p> <p>24 So when we -- during the course of the</p>

<p>Page 93</p> <p>1 investigation, if a policy violation is uncovered</p> <p>2 we are required to include that in the</p> <p>3 investigation and understand what happened. And</p> <p>4 that -- in this particular case, when we saw that</p> <p>5 activity, we needed to get an explanation from the</p> <p>6 associate and then we've have that conversation, an</p> <p>7 associate admitted to violation of our policy, we</p> <p>8 then followed our process where we suspended and</p> <p>9 turned the information over to HR, which was</p> <p>10 separate from any fraud investigation that was</p> <p>11 ongoing at the time.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q Okay. But how can -- how does Bloomingdale's or</p> <p>14 the investigation team, how can they determine if</p> <p>15 something's being purchased to avoid paying sales tax?</p> <p>16 MS. TIERNEY: Object to the form.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: Well, there's -- again,</p> <p>19 determining and proving, it's all different ways of</p> <p>20 describing that. Again, when we see something we</p> <p>21 don't understand and we need an explanation for,</p> <p>22 that's when we would go further or have that</p> <p>23 conversation. If a -- if there is a sent</p> <p>24 transaction and the person walks out of the store</p>	<p>Page 95</p> <p>1 further to understand why are these transactions</p> <p>2 being sent -- being purchased by an associate and</p> <p>3 not sent to their home address and what would be</p> <p>4 the benefit of that, and if there's a violation of</p> <p>5 two things, our company policy and the law.</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q Okay. Right. So I -- and you stated earlier that</p> <p>8 there's a difference between proving and how you know.</p> <p>9 And I'm wondering how, at the time Bloomingdale's or the</p> <p>10 investigation team flagged Kristina for shipping out of</p> <p>11 state to avoid taxes, not proving it, but how did they</p> <p>12 know to -- that that was -- that she was potentially</p> <p>13 violating that policy?</p> <p>14 A Well, so it wasn't initially flagged as that. It</p> <p>15 was flagged as unusual purchase activity, the number of</p> <p>16 transactions, the number of Chanel bags she was</p> <p>17 purchasing and the dollar amount flagged as unusual</p> <p>18 purchase history.</p> <p>19 What that means could be reselling, it could</p> <p>20 be -- it just -- it was unusual activity. We then</p> <p>21 looked further into it, and then it looked like -- it</p> <p>22 still could have looked like -- it did look like</p> <p>23 reseller activity when you look at it on the surface,</p> <p>24 but one of the things that we saw was merchandise was</p>
<p>Page 94</p> <p>1 with the -- so if a -- during a transaction, if</p> <p>2 it's being sent to an individual's home address,</p> <p>3 that home address, if it's in a different state,</p> <p>4 that state tax will be applied. Or if there's no</p> <p>5 state tax, then there wouldn't be any state tax</p> <p>6 applied.</p> <p>7 If we see a sent transaction but the person</p> <p>8 walks out of the store with it, that's clear</p> <p>9 violation of our policies because if the person</p> <p>10 walks out of the store, they should have been</p> <p>11 charged the whole tax. That's the law.</p> <p>12 So that's one way.</p> <p>13 Another way is looking at the number of</p> <p>14 personal purchases being sent to -- being sent out</p> <p>15 of state. I live in New Jersey -- I'll give as an</p> <p>16 example. I live in New Jersey. I think the tax</p> <p>17 rate is much less in New York. I can have a</p> <p>18 purchase sent to my home address. If I had a -- if</p> <p>19 I made a purchase and I had it sent to a different</p> <p>20 state that had no tax but I didn't live there, that</p> <p>21 would be suspicious to me.</p> <p>22 So when we look at those transaction</p> <p>23 histories, if we see something that doesn't look --</p> <p>24 that looks unusual, that would make us, again, look</p>	<p>Page 96</p> <p>1 being purchased by Kristina and sent to an address with</p> <p>2 no taxes being charged that was not her address.</p> <p>3 So that led us down that road from an</p> <p>4 investigative standpoint, that we needed answers to</p> <p>5 those questions.</p> <p>6 Q But that could be the same as it could have been</p> <p>7 for reselling, right? Using an address that's not hers,</p> <p>8 that could be because she's reselling it to that</p> <p>9 address, right?</p> <p>10 A That could be. We don't -- there are a number of</p> <p>11 reasons why that -- and we didn't know the reasons why</p> <p>12 that activity was occurring. That's why we investigate,</p> <p>13 get all the details and then have a conversation with</p> <p>14 the associate.</p> <p>15 Q Right. So my question is: At the time that they</p> <p>16 sat down with Kristina, was one of the considerations</p> <p>17 that she is shipping out of state to avoid paying sales</p> <p>18 tax?</p> <p>19 MS. TIERNEY: Object to the form.</p> <p>20 THE WITNESS: Again, not being there, not</p> <p>21 remembering the specific details of the</p> <p>22 investigation, I can't say 100 percent that was the</p> <p>23 mindset of the investigators going in.</p> <p>24 I can say that, based off the information,</p>

<p>Page 97</p> <p>1 that would be something that we would definitely</p> <p>2 have asked questions about if that's -- those</p> <p>3 transactions we needed answers as to why that was</p> <p>4 happening.</p> <p>5 So, yes, they would have walked into that -- I</p> <p>6 would think they would walk into that</p> <p>7 investigation -- I'm sorry, conversation wanting</p> <p>8 those questions answered.</p> <p>9 BY MS. MENDOZA:</p> <p>10 Q Okay. And how many other employees do you know of</p> <p>11 that were flagged or were sat down and questioned</p> <p>12 because they were potentially selling or sending their</p> <p>13 purchases to avoid paying sales tax?</p> <p>14 MS. TIERNEY: I'm going to object to the form.</p> <p>15 You may answer.</p> <p>16 THE WITNESS: I don't have a number. I don't</p> <p>17 know.</p> <p>18 BY MS. MENDOZA:</p> <p>19 Q Is it a lot, a large amount?</p> <p>20 A No, it is not.</p> <p>21 Q Okay. So does it not happen often?</p> <p>22 MS. TIERNEY: Objection to form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: It does not happen often because</p>	<p>Page 99</p> <p>1 that one. It's not our primary purpose. That is</p> <p>2 more of a -- again, the team spends most of their</p> <p>3 time investigating dishonesty.</p> <p>4 BY MS. MENDOZA:</p> <p>5 Q And dishonesty you're saying is for theft and</p> <p>6 fraud, correct?</p> <p>7 A Correct. Prosecutable cases is usually -- is one</p> <p>8 way to describe it.</p> <p>9 MS. MENDOZA: Okay. I don't know if you want.</p> <p>10 This could be a good place if you want to stop to</p> <p>11 eat something.</p> <p>12 ---</p> <p>13 (Whereupon, a brief break was taken.)</p> <p>14 ---</p> <p>15 BY MS. MENDOZA:</p> <p>16 Q At what point -- withdrawn.</p> <p>17 Do you know at what point a customer, an</p> <p>18 employee's account is flagged?</p> <p>19 MS. TIERNEY: I'm going to object to form.</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q I'll be a little bit more specific. Is it after so</p> <p>22 many months -- I'll rephrase it.</p> <p>23 Does central investigations or Macy's credit</p> <p>24 card services, do they watch an employee's account for</p>
<p>Page 98</p> <p>1 that's not within the purview of the priorities of</p> <p>2 an investigation team. If during the investigation</p> <p>3 we come across something like potential reselling</p> <p>4 or potential avoidance of taxes, we will</p> <p>5 investigate and follow our process. We aren't</p> <p>6 looking for that. I know it has happened and I</p> <p>7 know that has been brought to HR in the past, and</p> <p>8 they've dispositioned those cases.</p> <p>9 It's not common, but as a protection team,</p> <p>10 we're more looking for theft and fraud. That's the</p> <p>11 primary reason for the investigation team. And any</p> <p>12 policy violations we find along the way, we'll</p> <p>13 certainly address, and that's what happened in this</p> <p>14 case.</p> <p>15 BY MS. MENDOZA:</p> <p>16 Q Okay. And why aren't you looking for that policy</p> <p>17 violation?</p> <p>18 MS. TIERNEY: Objection to form.</p> <p>19 You may answer.</p> <p>20 THE WITNESS: There are lots of different</p> <p>21 policy violations, and the purview of the asset</p> <p>22 protection team is really to look at theft and</p> <p>23 fraud, not to police all -- bad choice of words --</p> <p>24 not to investigate every policy violation including</p>	<p>Page 100</p> <p>1 several months and then raise the issue with your team,</p> <p>2 or is it immediate, as soon as the algorithm picks it</p> <p>3 up?</p> <p>4 A No, it's normally more immediate. And, again, the</p> <p>5 parameters of those algorithms or exception reports can</p> <p>6 be changed at any point. So what those parameters are</p> <p>7 now could very well be very different from what they</p> <p>8 were in 2017. They are not investigators. They are</p> <p>9 analysts, and anything they see as suspicious or, you</p> <p>10 know, something that should be investigated, they just</p> <p>11 send it on to the relevant division, AP teams.</p> <p>12 Q Okay. So let's look at Plaintiff's Exhibit 3.</p> <p>13 ---</p> <p>14 (Whereupon, the document was marked, for</p> <p>15 identification purposes, as P-3.)</p> <p>16 ---</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q When you say the algorithm can be changed --</p> <p>19 withdrawn.</p> <p>20 When you say exception report -- is that what</p> <p>21 you're saying?</p> <p>22 A Yes.</p> <p>23 Q What is that?</p> <p>24 A You're putting an algorithm or some sort of process</p>

<p>Page 101</p> <p>1 in place to sort through data to pull out exceptions to 2 parameters. So, for example, if an -- from an 3 investigative standpoint, I have reports that show 4 associates that make a purchase along with a gift card, 5 right? So there may be some -- that is -- so if any 6 associate in the perimeter that I put in, so say 59th 7 Street, I put in a -- I want to see an exception that an 8 associate bought something in tandem with a gift card, 9 if that happens, it would pop up on a report. So that 10 would be an exception report. It's an exception to the 11 rules that we put in. 12 Q Okay. So with Kristina, was it an exception report 13 that found the red flag? 14 A Yes. My understanding, it was a version of their 15 exception reporting system that monitors account 16 activity, and it was resolved, except -- the number of 17 purchases that goes over the norm, it was an exception 18 to the standard purchasing activity of most associates. 19 Q Okay. So then that means that -- is that the same 20 as saying that there's not -- that someone -- that 21 you -- they went in to Macy's credit card customer 22 service, that they went into her account to look to see 23 if it was going over a certain number? 24 A No. It would strictly be -- and I had seen these</p>	<p>Page 103</p> <p>1 my professional opinion, make sense that the number of 2 purchases of Chanel handbags would, in a short period of 3 time, create an exception that we'd want to look at as 4 an organization. 5 Q Not because there was any wrongdoing, but just 6 because it would be a high number, is that -- 7 A That is correct. An exception report doesn't mean 8 there's wrongdoing, it means that, hey, this is 9 something we might want to look at. Not just that 10 exception report, but any exception report we look at. 11 Q Right. So when Macy's credit card customer 12 service, when they sent it over, it's not because 13 they're saying, hey, red flag, something improper is 14 happening. It's just this is just what's going on, you 15 take a look, is that kind of how it goes? 16 A Yeah. I don't know that I would phrase it that 17 way. I'd say, hey, there's a red flag -- red flag 18 meaning something unusual, right? So, yes, something 19 unusual, you need to look into it. Doesn't mean there's 20 any wrongdoing. It could have -- there could have been 21 an explanation. It's -- all that is is getting -- for 22 other people to look further in to it. 23 Q Okay. And so you said that obviously you don't 24 want an unusual report happening every ten minutes, so</p>
<p>Page 102</p> <p>1 before. It's strictly the purchases was beyond the 2 parameters creating an exception. That just pops up on 3 a report. 4 They would not look at any account. They 5 would send that information on to the relevant division. 6 So they weren't monitoring, they weren't looking, they 7 didn't investigate. When I say they, I mean MCCA. 8 That's not their normal -- I was not there. Obviously, 9 I can't say 100 percent anything of what happened. I 10 can talk to you of what the process is, and having seen 11 that happen in the past, that is the process. 12 Q Okay. So -- and has there been times where it just 13 pops up because somebody just made a certain number of 14 purchases at that time, it just happened to be a lot, 15 and not -- there wasn't any policy violation. It just 16 happened to be the case? 17 A An exception report does not mean there's a policy 18 violation. It's just based off a certain number of -- 19 usually the parameters are more -- they're big numbers, 20 their excessive in some opinions, which would create the 21 report. Otherwise it could -- we don't want reports 22 coming out every ten minutes. So the number of 23 transactions, I can't speak to what the exact parameters 24 are today or were back then. But, again, it does, from</p>	<p>Page 104</p> <p>1 in 2016, 2017, do you recall how often it would happen 2 for Chanel? 3 A I cannot specifically recall how often that 4 happened. I can tell you since I've been with the 5 company, I can recall four or five instances where I've 6 seen those types of exception reports coming in since 7 2012. 8 Q Okay. So looking at this document, EOC charge, 9 Plaintiff's Exhibit 3. 10 --- 11 (Whereupon the document was marked, for 12 identification purposes, as P-3.) 13 --- 14 BY MS. MENDOZA: 15 Q Go to the bottom of the first page. It says 16 Mikhaylova 00116. Do you see that there? 17 A I do see it. 18 Q Have you seen this document before? At the top it 19 says Macy's Inc.? 20 A I briefly did see this. 21 MS. TIERNEY: I apologize, Melissa. It's not 22 showing up in the exhibit folder. 23 MS. MENDOZA: I think you have to refresh the 24 page and then it should come up.</p>

<p>Page 105</p> <p>1 MS. TIERNEY: Yeah, I did, and it wasn't for 2 some reason. Maybe it will now. 3 --- 4 (Whereupon, a brief discussion was held 5 off the record.) 6 --- 7 BY MS. MENDOZA: 8 Q So you see that document there, right? 9 A I see it. 10 Q Okay. So -- and you said -- you were answering, I 11 think, have you seen this before? 12 A I briefly -- I believe I briefly saw this before, 13 yes. 14 Q Okay. And this is from Macy's Law Department to 15 the U.S. Equal Employment Opportunity Commission. And 16 if you look at Page 00119, if you'd turn to that page, 17 at the third paragraph. 18 Okay. So you see it says: Around this time, 19 but unbeknownst to complainant, the entity which handles 20 Macy's and Bloomingdale's credit cards. 21 Do you see that there? 22 A Yes. 23 Q The next sentence over says: Namely, between 24 October 2016 and April 21, 2017, complainant had made 26</p>	<p>Page 107</p> <p>1 that whatever is in place today is not what was in 2 place back then, so I can't speak to how that was 3 set up or why that period of time is on here. 4 BY MS. MENDOZA: 5 Q Okay. But -- so then who -- so are you saying that 6 Macy's credit customer service, they control the 7 parameters of the -- 8 A That is correct. 9 Q Okay. 10 A That's where the information initially came from. 11 Q Okay. And so is it typical that -- after six 12 months, that -- withdrawn. 13 Is it typical that there's a review of an 14 employee's six-month purchase history? 15 MS. TIERNEY: I'm going to object to the form. 16 You may answer. 17 THE WITNESS: It is typical of a review when 18 we get an exception of 26 employee purchases for 19 \$65,000, yes, that we would look into the purchase 20 history. 21 BY MS. MENDOZA: 22 Q So I guess what comes -- what -- for Kristina 23 Mikhaylova, we'll say, what triggered, is it that it 24 was -- the amount of purchases within the timeframe, was</p>
<p>Page 106</p> <p>1 employee purchases totaling over 65,000. 2 Do you see that there? 3 A I do see it. 4 Q So for that time period, October 2016 to 5 April 21st, 2017, is that typically how long the -- 6 either the algorithm is checking, is it looking for 7 those certain amount of type of months, like you were 8 saying, parameters? Or is it that April 21 all of a 9 sudden there's an unusual activity, now it gets sent to 10 internal investigations? 11 MS. TIERNEY: I'm going to object to the form. 12 You can answer. 13 THE WITNESS: I do not -- I'm not familiar 14 with the exact parameters that are put in place for 15 the algorithm, and I am not familiar about the -- 16 the same, the algorithms and the parameters put in 17 place for that time for what was being put in in 18 2016 or 2017. 19 Those exception reporting and that information 20 comes from a different division, Macy's credit 21 services. It is -- there are numerous ways to put 22 in parameters. It could be for 12 months, it could 23 be over two weeks, it could be over different 24 dollar amounts, et cetera. I would even suspect</p>	<p>Page 108</p> <p>1 it the amount paid within the timeframe? Which is it? 2 MS. TIERNEY: Object to the form. 3 You may answer. 4 THE WITNESS: Are you asking, in my opinion, 5 what makes this unusual? 6 BY MS. MENDOZA: 7 Q No, what -- right. At the time, what was it that 8 would have flagged or been part of the exception report? 9 MS. TIERNEY: I'm going to object to the form. 10 THE WITNESS: Again, not being familiar with 11 the exact parameters of this, my -- based on my 12 experience, the fact that there were 26 purchases 13 that totaled \$65,000 sounds as an outlier when you 14 look at typical associate purchasing behavior. And 15 on top of that, does the associate work in the 16 department where these purchases made, which, 17 again, we later determined. 18 BY MS. MENDOZA: 19 Q I'm sorry, I don't understand the last part. 20 What do you mean by were later determined? 21 A Well, when we got the information, we looked at the 22 purchases and we saw they were Chanel purchases. 23 Q Okay. But are you saying that those were part of 24 the fraud review?</p>

<p style="text-align: right;">Page 109</p> <p>1 A No. So fraud -- the fraud piece of it, the fraud 2 part of the investigation is separate. The information 3 that came from MCCS was there was unusual purchase 4 activity, which would be here, this 26 pieces at 65,000. 5 That initiated our review of that exception to see what 6 kind of activity these purchases were. 7 And then we determined, when we looked at it, 8 it was predominantly or all 26 Chanel purchases, if my 9 memory serves me, which, again, allows us to look into 10 that, which makes us want to look into that further, 11 investigate further. 12 Q Okay. So when you say the fraud was separate, 13 you're saying that -- 14 MS. MENDOZA: We can get off the screen for 15 now. 16 BY MS. MENDOZA: 17 Q But you're saying that the -- because I believe 18 before you stated that there was -- it was a question as 19 to the transactions that she rang up, right, but not 20 that she purchased herself that was being investigated? 21 MS. TIERNEY: Object to the form. 22 You can answer. 23 THE WITNESS: Correct. My memory serves me 24 there was communication initially about overall</p>	<p style="text-align: right;">Page 111</p> <p>1 purchases? Was there something that we needed to 2 investigate? 3 So there's two separate things that Kristina 4 popped up on. 5 BY MS. MENDOZA: 6 Q Okay. And they had no -- but one did not create 7 these -- I guess, initiate the investigation of the 8 other? 9 A That's -- that's accurate. They were two separate 10 things. 11 Q Okay. And so the first one was the -- about the 12 fraud transactions that she was ringing up? 13 A I believed -- I believe that was before -- yes, I 14 believe that was first. 15 Q Okay. And do you recall if that was in February 16 when it started, that investigation? 17 A I don't recall. It sounds right, but I don't 18 recall without looking at any case summary. 19 Q Okay. Was that the same investigation that Angi 20 Lee was also being investigated for? 21 MS. TIERNEY: Object to the form. 22 You can answer. 23 THE WITNESS: I'm going to say yes, because, 24 again, we look at an overall fraud problem, that</p>
<p style="text-align: right;">Page 110</p> <p>1 fraud concerns in Chanel. And we got a report of 2 the top, I don't know, three, five, ten associates. 3 And the number one associate that was 4 ringing -- that had rang sales that turned out to 5 be fraudulent was Kristina. 6 That started us looking at those transactions 7 and looking at trying -- and starting the 8 investigation, okay, what's happening in Chanel, 9 why are we seeing this fraud come up, because these 10 were big numbers coming up at a short period of 11 time, and Kristina, there was a large number of 12 them being rung by Kristina. That was one piece of 13 it. 14 That kind of kicked off the fraud like 15 investigation overall in Chanel. We wanted to know 16 what was going on with Chanel. 17 Secondly to that and separately to that -- 18 and I think it's -- it was a timeframe that was 19 after that, we received the exception saying that 20 Kristina's purchases had popped up and we wanted -- 21 and we needed to look at that to see was -- why was 22 there unusual, out of the norm, an exception to 23 what typical purchase activity looks like? What 24 was driving that? What was -- what were in those</p>	<p style="text-align: right;">Page 112</p> <p>1 was the start of the fraud investigation. 2 Like any investigation, it kind of morphed as 3 we understood more of the activity that was 4 happening. So I would definitely say that that 5 would have been the start of it, yes. 6 BY MS. MENDOZA: 7 Q Okay. So you do not recall if it was in February 8 of 2017? 9 A I have -- no, I don't recall specifically if it was 10 February 2017. 11 Q Okay. And do you recall if Kristina was 12 investigated or questioned by asset protection before 13 May 2017 for any other incident? 14 A I don't from -- I don't have memory of the exact 15 events that happened in 2017. Based off of the case 16 file I remember reading, there was an initial 17 discussion, again, based off that initial communication 18 on fraud, where she was ranked number one and her 19 sales -- she was the sales associate that rang the 20 transactions that came back as fraud. 21 I believe we -- in our trying to determine 22 what was going on overall with fraud -- because there 23 were other associates on that list -- I believe we spoke 24 to her. I believe we asked her about those</p>

<p style="text-align: right;">Page 113</p> <p>1 transactions.</p> <p>2 Q Okay. Was that -- were they regarding phone</p> <p>3 orders?</p> <p>4 A I believe -- I believe they were regarding phone</p> <p>5 orders, yes.</p> <p>6 Q Okay. And then what happened after that, after</p> <p>7 that investigation of her phone number?</p> <p>8 A Well, I know we spoke to her. I don't recall if we</p> <p>9 spoke to the other associates or whatnot. We looked at</p> <p>10 the transactions. Back in 2017, we had a process called</p> <p>11 the memo order process. We would have -- I believe we</p> <p>12 validated whether or not a policy was followed. And</p> <p>13 then we would continue -- we'd continue the</p> <p>14 investigation.</p> <p>15 So we're trying to see what caused the fraud.</p> <p>16 So did an associate, Kristina or any other, do something</p> <p>17 that they'd violate a policy that led to us incurring</p> <p>18 fraud, or was somebody coming in and -- like what was</p> <p>19 the reason -- what was driving the fraud? So we did</p> <p>20 continue the investigation after we spoke to Kristina or</p> <p>21 any of the associates.</p> <p>22 Q Okay. And that was the fraud that she -- that was</p> <p>23 ultimately sent over to law enforcement for her,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 115</p> <p>1 facilitating fraud.</p> <p>2 Q Okay. And these are just transactions that she</p> <p>3 rang up, not that she made for herself, correct?</p> <p>4 A That is correct, yes.</p> <p>5 Q Okay. So the transactions that she made for</p> <p>6 herself then were that Macy's credit card other issue,</p> <p>7 right?</p> <p>8 A Yes, that's a separate issue, yes.</p> <p>9 Q Did, at any point, those two merge, those two</p> <p>10 issues?</p> <p>11 A I don't recall whether -- where any of those issues</p> <p>12 merged. I don't recall. I don't recall any</p> <p>13 conversations where they merged, but there was fraud and</p> <p>14 the purchasing and tax thing. I don't recall that ever</p> <p>15 being a conversation.</p> <p>16 Q Okay. And so if -- so the addresses, going back to</p> <p>17 the addresses, were they a part of investigating --</p> <p>18 withdrawn.</p> <p>19 Was investigating the addresses that she was</p> <p>20 sending the purchases to part of the credit card issue</p> <p>21 or the fraud issue?</p> <p>22 MS. TIERNEY: Object to the form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: I -- I would have to go through</p>
<p style="text-align: right;">Page 114</p> <p>1 A That fraud, and then there was much more after</p> <p>2 that. The fraud -- we got more data -- yes, it wasn't</p> <p>3 just that fraud. That was -- that fraud was part of it,</p> <p>4 yes.</p> <p>5 Q Okay. So I'm just saying for Kristina, what other</p> <p>6 fraud was part of it?</p> <p>7 MS. TIERNEY: Object to the form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: I don't know what part -- I</p> <p>10 don't recall what part Kristina -- what transaction</p> <p>11 she was part of or not. I remember -- I'm just</p> <p>12 going by my recollection, as a total, over the</p> <p>13 months as we discovered the fraud, because the</p> <p>14 fraud is not instantaneous, we don't know something</p> <p>15 is fraud immediately. But I remember that there</p> <p>16 was over a million dollars in fraud overall. I</p> <p>17 don't recall how many transactions Kristina may</p> <p>18 have rung that were fraudulent.</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q Okay. But none that she was found to have been</p> <p>21 committing -- those -- and none that she had been found</p> <p>22 to be committing, at least per your department, your</p> <p>23 team? Not law enforcement, your team I'm saying.</p> <p>24 A My team did not have any evidence to prove she was</p>	<p style="text-align: right;">Page 116</p> <p>1 the investigation to answer any questions about</p> <p>2 specific addresses or whether there was any</p> <p>3 crossover.</p> <p>4 My memory was that the -- her purchase -- I</p> <p>5 don't recall if any of her purchases went to</p> <p>6 similar addresses to there's the fraud. If that's</p> <p>7 your question, I don't recall that.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q Okay. Right. And that's where I'm asking, it</p> <p>10 could have merged at that point.</p> <p>11 If it was that the addresses that she was</p> <p>12 ringing up were the same addresses that she was sending</p> <p>13 to?</p> <p>14 A That would be something I would think we would look</p> <p>15 at.</p> <p>16 Q Okay. And you don't recall looking at that?</p> <p>17 A I don't. I didn't run the investigation myself. I</p> <p>18 don't recall that being part of any summary or</p> <p>19 conversation I was involved with.</p> <p>20 Q Okay. So going back to my question initially about</p> <p>21 the October 2016 to April 21, 2017 purchases, so do you</p> <p>22 know or recall that if they -- if it was -- withdrawn.</p> <p>23 Do you recall what the parameters were at that</p> <p>24 time?</p>

<p style="text-align: right;">Page 117</p> <p>1 A I don't know what the parameters were. I don't</p> <p>2 know what the parameters are today and I would not have</p> <p>3 known what the parameters are at that time.</p> <p>4 Q Okay. At the time that Kristina was terminated,</p> <p>5 was she terminated for her statement that she was</p> <p>6 shipping her purchases out of state to avoid sales tax?</p> <p>7 MS. TIERNEY: Object to the form.</p> <p>8 THE WITNESS: I can't -- because I don't make</p> <p>9 the decision on her termination, I don't want to</p> <p>10 make a statement as to why she was terminated.</p> <p>11 I can -- my recollection was HR utilized all</p> <p>12 the information we provided to make a decision on</p> <p>13 her employment, which in that case ended in</p> <p>14 termination.</p> <p>15 BY MS. MENDOZA:</p> <p>16 Q Okay. But at that time, for your part for the</p> <p>17 investigation, the only finding -- conclusionary finding</p> <p>18 that you had or evidence was just her statement,</p> <p>19 correct?</p> <p>20 A Her statement, along with the data, which had been</p> <p>21 the list of transactions.</p> <p>22 Q But the data didn't prove anything?</p> <p>23 A Data doesn't -- data doesn't prove anything other</p> <p>24 than she sent purchases to an address that she didn't</p>	<p style="text-align: right;">Page 119</p> <p>1 anything else coming up.</p> <p>2 MS. MENDOZA: Okay. And that's it for right</p> <p>3 now. And I'll reserve in case after you ask</p> <p>4 questions. But I thank you.</p> <p>5 MS. TIERNEY: Okay. Well, I want to jump back</p> <p>6 to Exhibit 2. I don't know if you can put that up,</p> <p>7 Alex.</p> <p>8 - - -</p> <p>9 EXAMINATION</p> <p>10 - - -</p> <p>11 BY MS. TIERNEY:</p> <p>12 Q But let me -- it's on the screen for you, but let</p> <p>13 me look and ask you -- this was Angi Lee, this is her</p> <p>14 statement.</p> <p>15 Now, if I told you that some of</p> <p>16 Ms. Mikhaylova's purchases for herself were mailed to a</p> <p>17 New Hampshire address to a woman name YuYu Lai, and then</p> <p>18 Angi Lee, on page 1954 --</p> <p>19 MS. TIERNEY: If you can move that down, Alex.</p> <p>20 BY MS. TIERNEY:</p> <p>21 Q -- says that she was shipping to YuYu in New</p> <p>22 Hampshire, does that have any significance to you, or</p> <p>23 would it have as an investigator?</p> <p>24 A Absolutely.</p>
<p style="text-align: right;">Page 118</p> <p>1 live and taxes were not paid.</p> <p>2 Q Right.</p> <p>3 A Yes.</p> <p>4 Q Okay. And after she left and was terminated, did</p> <p>5 any -- did her -- did any findings for her change?</p> <p>6 MS. TIERNEY: Objection to form.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: From -- I don't recall where any</p> <p>9 findings for her changed. Any information we would</p> <p>10 have had we would have provided at that point to</p> <p>11 law enforcement as part of their bigger</p> <p>12 investigation.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q Okay. So what I'm saying is, were there any --</p> <p>15 besides the data then -- because if that's all that you</p> <p>16 had -- besides her statement, were there any other --</p> <p>17 was there any other proof that you had --</p> <p>18 A Not to my recollection.</p> <p>19 Q Okay. So is there anything else besides this --</p> <p>20 her statement of the shipping and the taxes besides that</p> <p>21 that she had violated?</p> <p>22 A Not to my recollection. And we -- when she -- when</p> <p>23 she was terminated, we would not have looked for any</p> <p>24 other policy violations either, so I don't recall</p>	<p style="text-align: right;">Page 120</p> <p>1 Q What is that significance?</p> <p>2 A So when you look at it as an investigator, it</p> <p>3 certainly looks like there's coordination between</p> <p>4 associates to utilize their accounts, their discounts,</p> <p>5 to purchase merchandise that's going to a business. And</p> <p>6 to me, as an investigator, looks like that that's being</p> <p>7 resold. As an investigator, we're going to look into</p> <p>8 all of those things, all that suspicious activity, and</p> <p>9 then follow up.</p> <p>10 It may be different than what we can prove,</p> <p>11 but that -- as an investigator, there is definitely</p> <p>12 a lot of questions there. And what it looks like on the</p> <p>13 surface is multiple violations.</p> <p>14 Q And could it be diversion?</p> <p>15 A Diversion, discount abuse, avoiding taxes, multiple</p> <p>16 policy violations.</p> <p>17 Q Can you state for the record what the date of Angi</p> <p>18 Lee's statement is?</p> <p>19 A 9/26/17.</p> <p>20 Q And that was several months after Ms. Mikhaylova</p> <p>21 was terminated, right?</p> <p>22 A That's correct.</p> <p>23 Q Now, if you look at Angi Lee's statement, she also</p> <p>24 goes: My former co-worker asked me to purchase and send</p>

<p style="text-align: right;">Page 121</p> <p>1 to YuYu. I benefited from earning reward points and 2 compensated.</p> <p>3 And once again, as an investigator, does that 4 have any significance to you?</p> <p>5 A Absolutely. So there, one co-worker is indicating 6 that another co-worker was, in fact, doing the same 7 thing and that other co-worker was actually initiating 8 the activity, sending it to this diverter or reseller or 9 whatever this company is. On top of that, they're using 10 their own personal loyalist accounts to get the reward 11 points. And compensated means that she was being paid 12 somehow.</p> <p>13 That's, as an investigator, how I read that.</p> <p>14 Q Okay. Now, let --</p> <p>15 MS. TIERNEY: And if you can -- Alex, if you 16 could go down to 1555.</p> <p>17 BY MS. TIERNEY:</p> <p>18 Q If you look to the far right, there's -- on the far 19 side close to the bottom, YuYu sells, I think that's 20 what that says. I'm not sure what that says actually.</p> <p>21 Right around 314, do you see that?</p> <p>22 A Yes.</p> <p>23 Q And then if we go to the next page -- and once 24 again, we haven't seen the name of the co-worker, but</p>	<p style="text-align: right;">Page 123</p> <p>1 collected.</p> <p>2 Q How about the fact that the shipping fee is waved, 3 is that normal?</p> <p>4 MS. MENDOZA: Objection.</p> <p>5 BY MS. TIERNEY:</p> <p>6 Q You can answer.</p> <p>7 A Is it normal? Sometimes -- that's not -- it's not 8 normal, but it's not also completely inconsistent. The 9 associates have the ability to waive shipping fees if 10 it's a good customer if -- or that type of thing. They 11 can never waive taxes, because that's guided by law. 12 Shipping fees, there is some flexibility if it's a good 13 customer. I certainly would not put YuYu in that 14 category based upon the fact that this person looks like 15 a reseller. But shipping fees can be waived from time 16 to time.</p> <p>17 Q What about one associate ringing a purchase for 18 another associate, should they -- or do they have the 19 authority to waive shipping fees for an employee?</p> <p>20 A I don't recall the exact policy on that. However, 21 associates should not be waiving fees, shipping fees, 22 for another associate. I would definitely question why 23 that would happen, why that would be.</p> <p>24 Q And is manager approver -- excuse me, let me</p>
<p style="text-align: right;">Page 122</p> <p>1 let's look at 1956. If you look at 406, it looks like 2 Kristina Mikhaylova ships to YuYu.</p> <p>3 Does it look like I read that right?</p> <p>4 A Yes. That's how -- yes, that's what it looks like 5 to me.</p> <p>6 Q So then I want to go further into 1957. And if you 7 would read that first bullet under discount abuse, tax 8 evasion and reselling to yourself.</p> <p>9 Starting with Lee ships, all the way through 10 the next couple of lines, can you read that to yourself 11 and tell me if that has any impact on you -- or any 12 significance to you as an investigator in AP?</p> <p>13 A Okay. So, again, as an investigator, this looks 14 like there is -- this sounds like this -- these two 15 associates are involved in, again, facilitating multiple 16 policy violations by using their personal accounts to 17 purchase merchandise at a discount, shipping them to a 18 business, a UPS store, associated with a business run by 19 this YuYu person, which more than likely is a reseller 20 based off the number of bags being shipped.</p> <p>21 And this being Chanel, which is never 22 discounted, unless it's old merchandise, which is never 23 discounted more than likely making a good profit off of 24 this process, on top of the sales tax not even being</p>	<p style="text-align: right;">Page 124</p> <p>1 rephrase that. I -- strike that.</p> <p>2 Is manager approval required to waive shipping 3 fees to your knowledge? And if you don't know, that's 4 fine.</p> <p>5 A I don't think so.</p> <p>6 MS. TIERNEY: Okay. If we could go, Alex, to 7 1964, please.</p> <p>8 BY MS. TIERNEY:</p> <p>9 Q And there's a section that's entitled UPS shipping 10 location. Can you take a look at that and see if 11 that's -- if there's any significance to you as an AP 12 investigator?</p> <p>13 MS. MENDOZA: Objection. Are you asking about 14 now, his opinion now?</p> <p>15 MS. TIERNEY: I'm asking about his opinion at 16 any point in time that he's been an AP 17 investigator.</p> <p>18 THE WITNESS: So the significance of this 19 looks like -- first the associate, Lee, is not 20 following process -- or procedure in which looks 21 suspicious on the surface of how we conduct 22 transactions by taking the information off of a 23 piece of paper and not having a credit card in 24 front of her.</p>

<p>Page 125</p> <p>1 So that right off the bat is a violation of</p> <p>2 our policy and suspicious.</p> <p>3 BY MS. TIERNEY:</p> <p>4 Q Let me ask you this -- and I don't want to</p> <p>5 interrupt -- well, go ahead. I don't want to interrupt</p> <p>6 you. You're on a roll and I want to let you get through</p> <p>7 that. I apologize.</p> <p>8 A So assuming the fact that the credit card -- that</p> <p>9 is synonymous with how a fraudulent -- an outside</p> <p>10 fraudulent person handles -- tries to facilitate fraud.</p> <p>11 They'll come in with cards on paper or on their phones,</p> <p>12 et cetera, et cetera, not that that's exactly what is</p> <p>13 happening here, but this -- that looks like that and is</p> <p>14 suspicious to me as an investigator. And the fact that</p> <p>15 it's going to YuYu, again, I don't know if on that date</p> <p>16 6/3, I -- if -- I think that's after the date we</p> <p>17 terminated Mikhaylova. If that's the case, here's the</p> <p>18 next associate coming in with a account being asked to</p> <p>19 ring by Lee going back to this suspected reseller, yeah,</p> <p>20 that's all very, very suspicious to me.</p> <p>21 Q And I will tell you. I think Mikhaylova was let go</p> <p>22 like around June 16th of '17, so she was still employed</p> <p>23 at this particular time.</p> <p>24 A Okay. Even still, that is suspicious, why wouldn't</p>	<p>Page 127</p> <p>1 Q Well, it says send to and then it has YuYu Lai, but</p> <p>2 underneath that it says, sender, Kristina, Chanel</p> <p>3 handbags.</p> <p>4 Does that mean that's who is sending the</p> <p>5 merchandise?</p> <p>6 A Yes. And that sender's phone would have been our</p> <p>7 Chanel shop.</p> <p>8 Q Can you just state for the record where MCCS is</p> <p>9 located?</p> <p>10 A It's right outside Cincinnati. It's one of the</p> <p>11 towns right outside of Cincinnati. I don't remember the</p> <p>12 town.</p> <p>13 Q But it's in Ohio?</p> <p>14 A Yes.</p> <p>15 Q Now, if you look at 2011.</p> <p>16 MS. TIERNEY: If you can move that down, Alex,</p> <p>17 please, on Exhibit 2.</p> <p>18 Oh, I'm sorry, Alex. Exhibit 2, page 2011.</p> <p>19 BY MS. TIERNEY:</p> <p>20 Q This is Angi Lee's former report, I think you said</p> <p>21 was in the database. If you read that last sentence, it</p> <p>22 says: Lee resigned and is coded non-rehirable.</p> <p>23 Does this mean that she resigned while she was</p> <p>24 on suspension?</p>
<p>Page 126</p> <p>1 an associate not use their employee card and why would</p> <p>2 she want her purchase going to New Hampshire and this</p> <p>3 YuYu person, all questions that I would have, and we</p> <p>4 more than likely would have provided to law enforcement</p> <p>5 as part of the bigger investigation.</p> <p>6 Q Okay. Now, the fact that YuYu apparently has this</p> <p>7 boutique -- and I think counsel asked you about it. I</p> <p>8 don't know if she showed you this particular provision,</p> <p>9 does that inform you in any way as to whether or not</p> <p>10 she's a reseller?</p> <p>11 A That would make me believe she is a reseller based</p> <p>12 off my experience. That's what we have seen, you know,</p> <p>13 someone who has their own business, they're resellers.</p> <p>14 That's typically how they operate.</p> <p>15 Q Okay. And then if we look 1965 and 1966, which is</p> <p>16 the transactional journal record, this is a transaction,</p> <p>17 and it was rung by -- I can't tell who it was rung by.</p> <p>18 My recollection is 72061886 is Mikhaylova's associate</p> <p>19 number, but if we look down at where it says: Sent to</p> <p>20 YuYu Lai, sender, Kristina, Chanel handbags, does this</p> <p>21 mean that Kristina Mikhaylova was the ringer? Is that</p> <p>22 what that sender means?</p> <p>23 What does that mean to you?</p> <p>24 A Where it says send to?</p>	<p>Page 128</p> <p>1 A That is -- that is typically how that would be</p> <p>2 worded, if that's what she did. I don't have direct</p> <p>3 knowledge if that's what happened.</p> <p>4 But, yes, if an associate resigns while</p> <p>5 they're suspended, they will be -- it will be noted as</p> <p>6 such and they will be coded as non-rehirable.</p> <p>7 Q Okay. With respect to memo orders -- well, let me</p> <p>8 go back.</p> <p>9 When Ms. Mikhaylova had such high fraud sends,</p> <p>10 I think you mentioned something about the memo orders.</p> <p>11 How does the memo order process play in to</p> <p>12 that issue?</p> <p>13 A Well, the memo order process, which is not a</p> <p>14 process that's in place anymore as we've updated our</p> <p>15 technology. But the memo order process was a check -- a</p> <p>16 check and balance against phone orders sent. We don't</p> <p>17 have the card in front of us, we can't swipe a card.</p> <p>18 There's -- the -- it was an -- one check against</p> <p>19 potential fraud by the associate getting the information</p> <p>20 of the transaction, that would then be reviewed by our</p> <p>21 cash office team and they would do a simple address</p> <p>22 verification of the sent.</p> <p>23 So, for example, if I called up and was</p> <p>24 placing a phone order, I would give the information to</p>

<p style="text-align: right;">Page 129</p> <p>1 the associate, the associate would ring up the -- that</p> <p>2 information would go to cash office, they would verify</p> <p>3 that Fred Becker lives at the address it's being shipped</p> <p>4 to by calling the bank. And if that is verified, then</p> <p>5 it's authorized and gives the associate the</p> <p>6 authorization to ring the transaction.</p> <p>7 So instead of having the associate try to</p> <p>8 verify the address, that was the process to do that. It</p> <p>9 did not prevent all fraud. It was a simple check that</p> <p>10 it was being shipped to an authorized address.</p> <p>11 Q Okay. Now, with respect -- let me show you a</p> <p>12 document -- I think we got -- we're on Exhibit 4. And I</p> <p>13 don't know how to upload it, so I am just going to share</p> <p>14 my screen. Hopefully this will work.</p> <p>15 ---</p> <p>16 (Whereupon, the document was marked, for</p> <p>17 identification purposes, as P-4.)</p> <p>18 ---</p> <p>19 BY MS. TIERNEY:</p> <p>20 Q I am going to -- do you see my screen, Mr. Becker?</p> <p>21 A I do.</p> <p>22 Q Okay. Now, I want to name as Exhibit 4 -- I'm</p> <p>23 going to put Bates Number Bloomingdale's 1488 -- yeah, I</p> <p>24 guess just 1488 for the moment.</p>	<p style="text-align: right;">Page 131</p> <p>1 Q And was this the email you were talking about that</p> <p>2 you had mentioned that you had got some information</p> <p>3 about her being number one in fraud transactions that</p> <p>4 she rang?</p> <p>5 A This is -- yes, this is the email.</p> <p>6 Q Now, it appears that Mr. Chris Castellani then</p> <p>7 responds -- and you're copied on this.</p> <p>8 Would you read that, please, to yourself and</p> <p>9 then I'll ask you some questions about it?</p> <p>10 A Sure.</p> <p>11 Okay.</p> <p>12 Q Okay. Now I know that counsel asked you whether or</p> <p>13 not the fraud investigation into Ms. Mikhaylova was in</p> <p>14 February. Does this refresh you as to what happened</p> <p>15 with Ms. Mikhaylova as to the fraud issue?</p> <p>16 A Yes. This is jogging my memory, yes.</p> <p>17 Q Okay. Now, Mr. Castellani says that he had</p> <p>18 actually interviewed Ms. Mikhaylova on this issue in</p> <p>19 February of 2017, about four months before this email,</p> <p>20 correct?</p> <p>21 A That's -- yes, that's what this states.</p> <p>22 Q What is the procedure, if any, in the 59th Street</p> <p>23 store that would alert asset protection staff to the</p> <p>24 issue that is being talked about in this email?</p>
<p style="text-align: right;">Page 130</p> <p>1 And -- well, no, let me -- I'm going to take</p> <p>2 that back, 1488 to 1489. And I'm going to start with</p> <p>3 1489 and let you read that, and then I'm going to move</p> <p>4 up.</p> <p>5 A Okay. I read it.</p> <p>6 Q When it says the employee -- which is 72061886 is</p> <p>7 Mikhaylova -- might have disregarded process to make a</p> <p>8 sale.</p> <p>9 Do you know what that refers to?</p> <p>10 A For the most part, the phone order process, memo</p> <p>11 order process.</p> <p>12 Q Then if you look at the next page, there is a list</p> <p>13 and the top one, 72061886, Kristina Mikhaylova, and then</p> <p>14 there are two other names, which she -- looks like her</p> <p>15 write-offs were about \$90,000. The next closest one was</p> <p>16 27,000.</p> <p>17 Did I read that correctly?</p> <p>18 A Yes.</p> <p>19 Q And this is an email, according to the header, that</p> <p>20 Abraham Gonzalez sent to Castellani and to you; is that</p> <p>21 correct?</p> <p>22 A That is correct.</p> <p>23 Q You, in fact, received this email?</p> <p>24 A I did.</p>	<p style="text-align: right;">Page 132</p> <p>1 MS. MENDOZA: Objection.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: My recollection from 2017, we --</p> <p>4 I'm trying to remember. I think there was</p> <p>5 different reports that we could pull looking at</p> <p>6 hand key transactions, and we would look at them to</p> <p>7 see were they part of the memo order process, was</p> <p>8 that being followed? So it was more -- it was more</p> <p>9 like an audit -- manual audit process to check on</p> <p>10 associates to see if they were following the memo</p> <p>11 order process.</p> <p>12 We would talk about it with the associates.</p> <p>13 Again, it was one check against fraud, so we</p> <p>14 would -- we would talk about it, we would try and</p> <p>15 check on it through like an audit process at the</p> <p>16 time. So that's when we would have -- that's how</p> <p>17 we would pick up on some of -- any potential</p> <p>18 violations of the process.</p> <p>19 Does that answer your question?</p> <p>20 BY MS. TIERNEY:</p> <p>21 Q It absolutely does.</p> <p>22 I guess what I'm trying to find out is, if</p> <p>23 there are ways that Chris Castellani could have found</p> <p>24 out about this issue before he got the email from Abe,</p>

<p>1 because obviously he did?</p> <p>2 MS. MENDOZA: Objection.</p> <p>3 BY MS. TIERNEY:</p> <p>4 Q You can answer.</p> <p>5 A Well, I don't specifically know what happened with</p> <p>6 this back then. I can -- my recollection of the process</p> <p>7 would be that we spent lot of time in designer handbags,</p> <p>8 which was our number one fraud department in the</p> <p>9 company. It is an -- it's -- just there's a lot of</p> <p>10 fraud in general.</p> <p>11 We spent time looking at memo orders, so I</p> <p>12 would just -- it would be an assumption on my part to</p> <p>13 say that something -- he saw volume of transactions and</p> <p>14 Chanel being certainly a target, they were checking on</p> <p>15 the memo order process at that time.</p> <p>16 Q So it's not just through corporate that you can get</p> <p>17 information related to something like this; is that</p> <p>18 correct?</p> <p>19 A Correct. At the time, there was reporting of hand</p> <p>20 key -- there was a hand key transaction report and we</p> <p>21 would check it to see -- we would do random checks to</p> <p>22 see if it should have been part of the memo order</p> <p>23 process or not.</p> <p>24 Q Okay. Now, with respect to the memo order process,</p>	<p>Page 133</p>	<p>1 employees always do for customers.</p> <p>2 So she admits to tax evasion, correct?</p> <p>3 A Correct.</p> <p>4 Q Does that mean that she was not committing -- I</p> <p>5 mean, so -- and the interview ends after that. Is that</p> <p>6 consistent with policy?</p> <p>7 A Yes, that was -- if those were the questions that</p> <p>8 we wanted to get out of -- that we wanted answered as</p> <p>9 part of that discussion, yes, if all those questions</p> <p>10 were answered, then that would be the end of the</p> <p>11 discussion.</p> <p>12 Q Okay. Now, does that mean that we no longer</p> <p>13 believe she was involved in diverting or reselling?</p> <p>14 MS. MENDOZA: Objection.</p> <p>15 BY MS. TIERNEY:</p> <p>16 Q You can answer.</p> <p>17 A No, it does not mean she was -- it doesn't mean she</p> <p>18 was part of or it doesn't mean she was absolved of the</p> <p>19 fraud investigation.</p> <p>20 Q Okay. But -- well, strike that.</p> <p>21 With the information that came out from Angi</p> <p>22 Lee in September, I think you said you would have turned</p> <p>23 that over to the police, the NYPD, about --</p> <p>24 A Yes. We would have as part of process, and I</p>	<p>Page 135</p>
<p>1 it says that Ms. Mikhaylova was, in fact, following that</p> <p>2 process, correct?</p> <p>3 A Correct.</p> <p>4 Q Does that mean that she was not committing fraud?</p> <p>5 A It does not mean she was not committing fraud. It</p> <p>6 means she was taking the information and filling out the</p> <p>7 forms, sending it to the cash office to validate an</p> <p>8 address, and that was coming back to facilitate the</p> <p>9 fraud.</p> <p>10 Does it mean she was or was not facilitating</p> <p>11 fraud?</p> <p>12 Q Does it mean either one?</p> <p>13 A It does not mean either one.</p> <p>14 Q Okay. Fair enough.</p> <p>15 Does that mean that you would no longer be</p> <p>16 investigating her for this issue because she was</p> <p>17 complying with the memo order process?</p> <p>18 A No. That's more of a first place to start.</p> <p>19 Q Okay. With respect to Ms. Mikhaylova -- and I</p> <p>20 believe it was Exhibit 1.</p> <p>21 Now, I know that -- if you look at the bottom</p> <p>22 of Exhibit 1, it says she did admit that she was</p> <p>23 shipping the merchandise to friends, in quotes, out of</p> <p>24 state to avoid the New York State sales tax which</p>	<p>Page 134</p>	<p>1 believe we did.</p> <p>2 Q Do you know if any other people who were</p> <p>3 investigated as part of the Chanel fraud implicated</p> <p>4 Mikhaylova?</p> <p>5 MS. MENDOZA: Objection.</p> <p>6 BY MS. TIERNEY:</p> <p>7 Q You can answer.</p> <p>8 A I don't know personally.</p> <p>9 Q No, no, that's okay. Yeah, I just want to know if</p> <p>10 you remember.</p> <p>11 We talked a little bit about the credit card.</p> <p>12 I mean, you're an employee of Bloomingdale's. Do you --</p> <p>13 is your account -- your discount attached to your</p> <p>14 Bloomingdale's card?</p> <p>15 A Yes. If I make a purchase, I only get the discount</p> <p>16 if I use my Bloomingdale's employee card, house card.</p> <p>17 Q Do you know if that card is any different than a</p> <p>18 customer gets, other than back house discount is not</p> <p>19 associated with it?</p> <p>20 A Yeah, it does look a little different, I believe.</p> <p>21 Q Is there anything on it to indicate that it's an</p> <p>22 employee card or anything of that nature?</p> <p>23 A I can look. I don't know off the top of my head.</p> <p>24 Q That's okay. Go ahead take it out and look at it.</p>	<p>Page 136</p>

<p style="text-align: right;">Page 137</p> <p>1 MS. TIERNEY: Just let the record reflect that</p> <p>2 the Mr. Becker is looking at his Bloomingdale's</p> <p>3 card, but we will not record the number for obvious</p> <p>4 reasons.</p> <p>5 THE WITNESS: Thank you. It does not -- it</p> <p>6 does not say employee card on it.</p> <p>7 BY MS. TIERNEY:</p> <p>8 Q Okay. Does it look like just a regular</p> <p>9 Bloomingdale's card?</p> <p>10 A It does. And you would not be able to tell it</p> <p>11 wasn't a Bloomingdale's --</p> <p>12 Q If an employee's hired that has a credit card</p> <p>13 already, do they have to get a new one, or is the</p> <p>14 discount just tied to their existing card?</p> <p>15 A They would get a new account.</p> <p>16 Q They do get a new account, your understanding is</p> <p>17 it's a new account?</p> <p>18 A My understanding is they would get a -- they would</p> <p>19 have a new account opened.</p> <p>20 Q With respect to the fraud that the Chanel</p> <p>21 department was being investigated for during 2017, do</p> <p>22 you know if there was any evidence of other people</p> <p>23 diverting or reselling, other than what we've already</p> <p>24 seen today? Just what you recall, Mr. Becker.</p>	<p style="text-align: right;">Page 139</p> <p>1 Can you explain what diversion is?</p> <p>2 A I'll explain what it means to me. Diverting --</p> <p>3 similar to reselling, diverting merchandise to a</p> <p>4 different -- a third-party. So it's a little bit like</p> <p>5 reselling where a reseller would buy merchandise and</p> <p>6 resell it to individuals, diverter would more buy it and</p> <p>7 then divert it more in bulk.</p> <p>8 So a diverter may say what's common, a</p> <p>9 diverter buys it -- buys merchandise and diverts it to a</p> <p>10 location where you can't buy it. For example, it used</p> <p>11 to be popular to divert jeans to China because there was</p> <p>12 a big market for that. So the diverter can mark it</p> <p>13 up -- buy it, mark it up and sell it to a different</p> <p>14 location.</p> <p>15 Q Okay. And can a person that sends it to a</p> <p>16 third-party to avoid paying taxes, could that be</p> <p>17 considered diversion?</p> <p>18 A The way you explained it, I would not put that as a</p> <p>19 definition of diversion. That could be a part of the</p> <p>20 process of a diverter, but that -- just selling</p> <p>21 something to someone to avoid taxes does not constitute</p> <p>22 diversion itself.</p> <p>23 Q Okay. But could that be flagged as possible</p> <p>24 diversion?</p>
<p style="text-align: right;">Page 138</p> <p>1 A I don't recall evidence. I know we investigated</p> <p>2 and looked in to multiple associates.</p> <p>3 Q I know you said that Mr. Castellani had spoken to</p> <p>4 you about his investigations. Would you agree that he</p> <p>5 would be the most knowledgeable about what he was</p> <p>6 thinking and what he did in this investigation?</p> <p>7 A Yes, I would agree with that.</p> <p>8 MS. TIERNEY: Let me chat with my local</p> <p>9 counsel, but I think that may be everything.</p> <p>10 Can we just take a five-minute break, Melissa?</p> <p>11 MS. MENDOZA: Yeah. And I'll have questions</p> <p>12 afterwards.</p> <p>13 - - -</p> <p>14 (Whereupon, a brief break was taken.)</p> <p>15 - - -</p> <p>16 MS. TIERNEY: And I'll just state for the</p> <p>17 record, thank you, Mr. Becker. I have nothing</p> <p>18 further.</p> <p>19 - - -</p> <p>20 FURTHER EXAMINATION</p> <p>21 - - -</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q Mr. Becker, you mentioned diversion before in</p> <p>24 responding to -- there was a question about diversion.</p>	<p style="text-align: right;">Page 140</p> <p>1 A It could be flagged as something to investigate</p> <p>2 that could be part of diversion.</p> <p>3 Q Okay. And you stated earlier -- withdrawn.</p> <p>4 And is diversion part of your team's</p> <p>5 investigation duties?</p> <p>6 A It is not part of our priority or our initial -- or</p> <p>7 our focus. If it's something that, as an organization</p> <p>8 that's important or something we come across that needs</p> <p>9 to be investigated, my team will investigate that.</p> <p>10 There's a lot of variables, including the type</p> <p>11 of product, that type of thing. Relationships,</p> <p>12 et cetera.</p> <p>13 Q And for the Chanel department, was the Chanel</p> <p>14 department leadership team responsible for investigating</p> <p>15 diverters?</p> <p>16 A The -- I think a better way to say it would be the</p> <p>17 Chanel leadership is responsible for ensuring that</p> <p>18 reselling and diverting does not happen within their</p> <p>19 shop, so they will investigate, they'll communicate,</p> <p>20 they'll make -- they're responsible to make sure it</p> <p>21 doesn't happen. If they suspect it does, they have --</p> <p>22 their resources could be us, it could be their own</p> <p>23 Chanel investigators.</p> <p>24 Q So with respect to Angi Lee -- withdrawn.</p>

<p style="text-align: right;">Page 141</p> <p>1 So in 2016, 2017, did Chanel conduct their own 2 diverter-diversion investigation?</p> <p>3 MS. TIERNEY: I'm going to object to the form. 4 And Melissa, just for a point of 5 clarification, you're talking about -- not talking 6 about our Chanel department at the store, you're 7 talking about Chanel, the vendor?</p> <p>8 MS. MENDOZA: Before he stated Chanel 9 leadership team as to Cathy and Dennis, so I'm 10 referring to like that, what he previously stated.</p> <p>11 MS. TIERNEY: So not the vendor. Okay.</p> <p>12 THE WITNESS: I do not recall there being a 13 conversation around them investigating themselves. 14 I don't remember that being a discussion.</p> <p>15 BY MS. MENDOZA: 16 Q Okay. Was there a concern at that time that there 17 was diversion?</p> <p>18 MS. TIERNEY: I'll object to the form as to 19 time.</p> <p>20 THE WITNESS: I would answer that question as 21 yes, as we dug in to and investigated the fraud and 22 looked at the transactions, that was a part -- 23 something that we looked at. Yes, we wanted to -- 24 as we investigated all the transactions, it was a</p>	<p style="text-align: right;">Page 143</p> <p>1 Lai. And isn't it possible that the address that it was 2 being shipped to was to avoid paying sales tax?</p> <p>3 MS. TIERNEY: Object to the form.</p> <p>4 THE WITNESS: Is it possible? Yes, it is 5 possible.</p> <p>6 BY MS. MENDOZA: 7 Q All right. So before -- because Kristina had 8 shipped to the same address -- as it was alleged by Angi 9 Lee in her statement, that she had shipped to the same 10 address that her former co-worker had told her, right, 11 that was what was in the statement? And we can pull it 12 up if it's easier.</p> <p>13 MS. TIERNEY: That's probably a good idea, 14 just to give him the benefit of seeing it.</p> <p>15 MS. MENDOZA: All right. I think it was 16 Exhibit 2. Go to 1954, I think.</p> <p>17 Okay.</p> <p>18 THE WITNESS: Can you repeat the question, 19 ma'am?</p> <p>20 BY MS. MENDOZA: 21 Q Yeah. I'll repeat it. 22 So, first off, is -- 1954, is this how a 23 statement is typically taken in the asset protection 24 department?</p>
<p style="text-align: right;">Page 142</p> <p>1 component we looked at.</p> <p>2 BY MS. MENDOZA: 3 Q Okay. But not you, your team. I'm talking 4 about -- 5 A My team, yes. 6 Q What about the Chanel team, did you work together 7 on that?</p> <p>8 MS. TIERNEY: Object to the form. 9 You can answer.</p> <p>10 THE WITNESS: I don't recall. I wouldn't -- 11 since I didn't work on it directly, I don't have 12 firsthand knowledge of the communication that went 13 back and forth between the Chanel team and my team.</p> <p>14 I know that -- I know there was some because 15 there was concern around fraud. I don't recall 16 there being conversations that got down to the 17 details around transactions or reseller, et cetera. 18 I don't know if those conversations did -- they may 19 have happened. I'm not aware of them.</p> <p>20 BY MS. MENDOZA: 21 Q Okay. And I can pull back up the document, the 22 exhibit if you'd like. Just let me know. 23 But your counsel had asked you a question 24 about Angi Lee and the address that she had sent to YuYu</p>	<p style="text-align: right;">Page 144</p> <p>1 MS. TIERNEY: I'm going to object.</p> <p>2 THE WITNESS: Yes. Sometimes yes. We have 3 the associate write it themselves. We try to ask 4 them to include the components of the discussion. 5 Ultimately we don't control what they write. But, 6 yes, we ask them to write it and this looks 7 consistent with other statements that I've seen.</p> <p>8 BY MS. MENDOZA: 9 Q Okay. And if you go to 1955, right, you looked 10 at -- we stated earlier that -- do you know who wrote 11 this?</p> <p>12 A Do I know who wrote this? I do not. This is 13 consistent with a witness that was in the room, notes of 14 a witness.</p> <p>15 Q Right. But somebody's taking the notes down, 16 correct?</p> <p>17 A That's correct.</p> <p>18 Q All right. And then it says they're to revisit 19 this after on the right-hand side, if you go down. You 20 see it says YuYu, and then something with an S?</p> <p>21 A Yeah. Sale -- I don't know what that reads. It's 22 not unusual for a witness in the room, as they're 23 writing notes to -- that witness is always -- is usually 24 a member of my investigations team. As they're writing</p>

<p>Page 145</p> <p>1 notes to track how the conversation went, they may write</p> <p>2 notes as to -- you know, if they have thoughts on other</p> <p>3 parts of an investigation related or not.</p> <p>4 So if there's follow up, they might write</p> <p>5 notes around that. So that's kind of what that looks</p> <p>6 like.</p> <p>7 Q Okay. The next page, 1957, it says: Discount</p> <p>8 abuse, tax evasion, Lee ships her personal handbag</p> <p>9 purchases. See that there, two addresses in New</p> <p>10 Hampshire?</p> <p>11 A Which line are you looking at?</p> <p>12 Q Discount abuse is the subheading.</p> <p>13 A Okay. Yes. Lee ships her personal --</p> <p>14 Q Right. And this address is for a UPS shipping</p> <p>15 store, same address used by Mikhaylova?</p> <p>16 A Yes.</p> <p>17 Q You see that there of what she claimed to be tax</p> <p>18 evasion, that's what it says there, right?</p> <p>19 A Yes.</p> <p>20 Q So that doesn't mean that Ms. Mikhaylova was</p> <p>21 reselling, correct?</p> <p>22 A That does not necessarily mean that she was</p> <p>23 reselling.</p> <p>24 Q And it's possible that Ms. Lee here, Angi Lee, was</p>	<p>Page 147</p> <p>1 saying the statement of Angi Lee, right?</p> <p>2 MS. TIERNEY: Yeah.</p> <p>3 MS. MENDOZA: Okay. So go up to 1954.</p> <p>4 THE WITNESS: So based off this -- and then</p> <p>5 we'd have to look at the actual reason for</p> <p>6 termination, this makes it look like she was</p> <p>7 admitting to the -- violating policy regarding</p> <p>8 discount abuse. We would again turn this</p> <p>9 information over to HR, and then we would make that</p> <p>10 determination based off this statement and any</p> <p>11 other supporting evidence from the summary to me.</p> <p>12 This looks -- my opinion, she's admitting to</p> <p>13 discount abuse. But, again, I'm not -- I was not</p> <p>14 the decision maker on dispositioning the employment</p> <p>15 status of this associate.</p> <p>16 BY MS. MENDOZA:</p> <p>17 Q So when you're saying discount abuse, are you</p> <p>18 saying that by using her card to ship to that same</p> <p>19 address?</p> <p>20 A She was shipping to YuYu -- yes, she -- because she</p> <p>21 was asked to purchase and to send to YuYu, who is not</p> <p>22 entitled to the discount, she benefited by earning</p> <p>23 reward points and being compensated. Again, without</p> <p>24 going through every case and looking through everything</p>
<p>Page 146</p> <p>1 also sending to the same address to avoid paying sales</p> <p>2 tax, which Kristina had admitted to, correct?</p> <p>3 A So I want to make sure I understand. You're asking</p> <p>4 me what's possible or what is -- what we were able to</p> <p>5 prove?</p> <p>6 Q Let's start with what's possible.</p> <p>7 A Sure.</p> <p>8 MS. TIERNEY: I'm going to object to the form.</p> <p>9 THE WITNESS: It's possible that that was</p> <p>10 being shipped to avoid taxes, if that was the</p> <p>11 question, yes.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q And then what did you prove?</p> <p>14 A All we were able to prove is what was in the</p> <p>15 statement and the summary, which I believe we'd have to</p> <p>16 go back to -- our shipping fee was waived. So I think,</p> <p>17 when you look at the statement, what she admitted to is</p> <p>18 ultimately what we were able to prove based off of an</p> <p>19 admission, and then this is just the supporting</p> <p>20 documentation of what we found.</p> <p>21 MS. TIERNEY: Do you want to see the statement</p> <p>22 again, or do you recall what she said?</p> <p>23 THE WITNESS: I don't recall what she said.</p> <p>24 MS. MENDOZA: I want to be clear, so you're</p>	<p>Page 148</p> <p>1 again, the policy violation here looks to me like</p> <p>2 discount abuse.</p> <p>3 Q Okay.</p> <p>4 A If that's the question you're asking.</p> <p>5 Q And -- but she doesn't say Kristina there, right?</p> <p>6 It says my former co-worker?</p> <p>7 A Correct.</p> <p>8 Q And she doesn't say reselling there, correct?</p> <p>9 A She doesn't -- she does not state who YuYu is or</p> <p>10 what she does. So there's no mention of reselling here</p> <p>11 by the associate.</p> <p>12 Q Okay. So then can't anyone then claim my former</p> <p>13 co-worker told me to do this? Anyone can say that,</p> <p>14 right? Anyone can accuse another co-worker of telling</p> <p>15 them to do something, right?</p> <p>16 MS. TIERNEY: Object to the form.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: Any co-worker can make any</p> <p>19 statement. And, again, we go into our process of</p> <p>20 validating those statements before we take any</p> <p>21 action on that. In this particular case, if this</p> <p>22 associate was referring to -- I assume we are</p> <p>23 making an assumption on this, and she wasn't</p> <p>24 referring to Kristina, that that case had already</p>

<p style="text-align: right;">Page 149</p> <p>1 been closed and Kristina was already terminated</p> <p>2 from her position.</p> <p>3 BY MS. MENDOZA:</p> <p>4 Q Okay. But was that statement validated against</p> <p>5 Kristina?</p> <p>6 A We -- once Kristina was separated from the</p> <p>7 organization, we did not reach out to her to inquire</p> <p>8 about any other transactions or any other results of the</p> <p>9 investigation. Not that we would necessarily do that</p> <p>10 anyway just based off an accusation.</p> <p>11 We would go for more corroborating data to</p> <p>12 substantiate that any way.</p> <p>13 Q Okay. And besides that, you would have needed</p> <p>14 corroborating data. Why not -- if you did have</p> <p>15 corroborating data, why not still contact Kristina?</p> <p>16 A At that point, we moved on. We were actively</p> <p>17 involved in the rest of the investigation. As far as</p> <p>18 Kristina was concerned, from a policy violation, she no</p> <p>19 longer worked at -- she no longer was employed by the</p> <p>20 company. We -- almost like case closed, we were not</p> <p>21 going to follow up on any other potential policy</p> <p>22 violations with Kristina.</p> <p>23 MS. MENDOZA: Okay. And so if we can go back</p> <p>24 to 2011, second paragraph.</p>	<p style="text-align: right;">Page 151</p> <p>1 forward.</p> <p>2 Q Okay. And that would have been documented</p> <p>3 somewhere, correct?</p> <p>4 A No. I don't know that. Again, I'm going by what's</p> <p>5 typically done after an investigation, if we look at</p> <p>6 what are our next steps and we want to make sure that</p> <p>7 associates are not part of the investigation. We make</p> <p>8 sure that there's an understanding -- or a re-education</p> <p>9 of policy and procedure.</p> <p>10 So I'm making an assumption that we may have</p> <p>11 said we cannot send to that person.</p> <p>12 Q Okay. And I may have misheard you, but are Chanel</p> <p>13 products items, merchandise, never discounted; is that</p> <p>14 correct?</p> <p>15 A Again, my understanding of Chanel, the way their</p> <p>16 policy states, is they don't -- I know for a fact that</p> <p>17 they are not part of our normal sales. Chanel will</p> <p>18 only -- when I say sale, like Bloomingdale's events,</p> <p>19 selling events, promotions. They do not participate in</p> <p>20 that.</p> <p>21 And then the only time their product actually</p> <p>22 goes on sale is when they're trying to liquidate older</p> <p>23 bags that haven't been sold. They are not promotional</p> <p>24 in any way like other vendors are.</p>
<p style="text-align: right;">Page 150</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q And you were asked before about Boston X-Closet</p> <p>3 boutique owner, YuYu Lai. You see that there in the</p> <p>4 second paragraph?</p> <p>5 A Yes.</p> <p>6 Q So between 2017, from Angi's statement, September</p> <p>7 2017 until today, to present, do you know if -- has it</p> <p>8 been determined that YuYu, Boston X-Closet is a</p> <p>9 reseller?</p> <p>10 A No. I do not know if that is a reseller or not.</p> <p>11 During the previous questions about that, I was asked,</p> <p>12 as an investigator, what does that look like to me,</p> <p>13 which is different than what I would know today as to</p> <p>14 what that business is in -- as well.</p> <p>15 So I do not know what -- if there's been any</p> <p>16 follow up on what Boston X-Closet business really is.</p> <p>17 Q Okay. And why have there -- why hasn't there been</p> <p>18 any follow up?</p> <p>19 A Well, I'm not saying -- I don't know whether there</p> <p>20 was or was not. I'm not aware of any follow up with the</p> <p>21 Boston X-Closet boutique. I would -- it could very well</p> <p>22 possible that once we were done with this investigation,</p> <p>23 we refused to ship, there was no more -- associates were</p> <p>24 not allowed to ship to that address or that person going</p>	<p style="text-align: right;">Page 152</p> <p>1 That hopefully gives more clarity to that</p> <p>2 statement.</p> <p>3 MS. MENDOZA: Okay. We can get off the</p> <p>4 screen.</p> <p>5 BY MS. MENDOZA:</p> <p>6 Q Are you talking about since 2017? Or are you</p> <p>7 talking about at the time as well, 2016?</p> <p>8 A I'm talking about my understanding on how Chanel's</p> <p>9 business model works and how they run the business.</p> <p>10 They don't -- since I've been with the store, they --</p> <p>11 that's my understanding about they -- how their</p> <p>12 merchandise goes on sale, it's either old merchandise</p> <p>13 and they advertise it, or they -- nothing else goes on</p> <p>14 sale. They're not promotional, is my understanding of</p> <p>15 their business.</p> <p>16 Q Was there a change in around 2017 when they were</p> <p>17 leased?</p> <p>18 MS. TIERNEY: Object to the form.</p> <p>19 You may answer.</p> <p>20 THE WITNESS: I don't believe there was a</p> <p>21 change in their business -- their pricing, if you</p> <p>22 will, or their sale. That process was more -- the</p> <p>23 ownership of the product, so instead of us -- so it</p> <p>24 was owned, meaning we cut the P/O and we purchase</p>

<p>Page 153</p> <p>1 it from Chanel and resell it. Or -- and so that</p> <p>2 was the process. But still had to follow all</p> <p>3 Chanel policies and procedures. In fact, those</p> <p>4 associates are back of the house paid by Chanel.</p> <p>5 And then for its lease where we don't buy it</p> <p>6 at all, because we're basically renting the space,</p> <p>7 and they sell their product. It's more complex</p> <p>8 than that, but that's a simple way to explain it.</p> <p>9 MS. MENDOZA: Okay. We'll pull the document</p> <p>10 again. I don't know what number it is. It's</p> <p>11 page 15.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q You see that in front of you? It's BLM 001966?</p> <p>14 A Yes.</p> <p>15 Q I think you took a look at this before, correct?</p> <p>16 A I believe this is what I looked at before.</p> <p>17 Q Okay. And at the top it said to send to YuYu Lai,</p> <p>18 right?</p> <p>19 A Yes.</p> <p>20 Q And then underneath that it says loyalist, Angi</p> <p>21 Lee?</p> <p>22 A Yes.</p> <p>23 Q Do you see that there?</p> <p>24 A Yep.</p>	<p>Page 155</p> <p>1 it myself.</p> <p>2 But if you recall you looked at -- when we</p> <p>3 looked at Betty's screen, that it was a document that</p> <p>4 showed, from Abe, the dates of purchases. It was a high</p> <p>5 amount of sales, I believe.</p> <p>6 A Yes. The three -- yes.</p> <p>7 Q Three, right.</p> <p>8 And that was for -- was that for the fraud</p> <p>9 involving Angi Lee?</p> <p>10 A That -- so that was fraud by a person for Macy's</p> <p>11 Incorporated, so not just Bloomingdale's, that was</p> <p>12 confirmed fraud sales rung by associates for Macy's</p> <p>13 Incorporated, which is all Macy's stores and all</p> <p>14 Bloomingdale's stores, and those were the top three</p> <p>15 sellers that came back associated with fraud</p> <p>16 transactions.</p> <p>17 Q Okay. And that was -- the date of that email was</p> <p>18 around June 1st, 2017. So my question is: Is that --</p> <p>19 was that based on an algorithm, like the credit card?</p> <p>20 A No. That would be -- that would be more of a</p> <p>21 straight pull data. So as I look at -- employee fraud</p> <p>22 is actually very complex because it's not immediate.</p> <p>23 There's a time lapse because by the time people realize</p> <p>24 that there's charges on their card, that could be</p>
<p>Page 154</p> <p>1 Q Do you know why there's a discrepancy there?</p> <p>2 And I'll clarify it. The vendor says</p> <p>3 Kristina, Chanel handbags as well. That's the</p> <p>4 discrepancy I'm asking, between the loyalist Angi Lee</p> <p>5 and the sender Kristina?</p> <p>6 A I would need to verify. However, what this looks</p> <p>7 like to me is, during a sale, Angi Lee's loyalist</p> <p>8 account was used.</p> <p>9 Q Okay.</p> <p>10 A So Angi Lee would be benefiting for the reward</p> <p>11 points.</p> <p>12 MS. MENDOZA: Okay. And go to -- what was the</p> <p>13 exhibit that Defense Counsel Betty introduced?</p> <p>14 MS. TIERNEY: It was just for my -- I was not</p> <p>15 able to download it, so it's just 1488 and 1489</p> <p>16 from produced docs. I'll have to email it to the</p> <p>17 court reporter.</p> <p>18 MS. MENDOZA: Okay.</p> <p>19 ---</p> <p>20 (Whereupon, a brief discussion was held</p> <p>21 off the record.)</p> <p>22 ---</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q I don't think you'll need it, but if so, I can pull</p>	<p>Page 156</p> <p>1 months.</p> <p>2 So -- but what they do is when they confirm</p> <p>3 fraud, that goes into a database, and then that's just</p> <p>4 sorted by who are the sellers. So that was strictly a</p> <p>5 pull by all is fraud and then somebody pulled it by</p> <p>6 associate, the selling associate of that fraud.</p> <p>7 So those fraud transactions, you can sort the</p> <p>8 data in many ways. That was a sort by Macy's</p> <p>9 Incorporated sales associates, including Bloomingdale's.</p> <p>10 Q So when you say that that's Abraham, right?</p> <p>11 A Yes.</p> <p>12 Q Macy's Incorporated, that's the corporate office</p> <p>13 that we talked about before?</p> <p>14 A That is the Bloomingdale's investigations person,</p> <p>15 and I believe an email stated that it was sent to him by</p> <p>16 the Macy's -- the MCCS fraud team.</p> <p>17 Q So then did the MCCS conduct two separate red flags</p> <p>18 reports, because the one before we talked about was just</p> <p>19 about her purchases?</p> <p>20 A Yes. Two separate things, probably from different</p> <p>21 individuals. One is a exception report, something that</p> <p>22 pops up, and would be forwarded. That would have been</p> <p>23 the purchase history of Kristina. So that is a separate</p> <p>24 function, that just came out of a algorithm as a</p>

<p style="text-align: right;">Page 157</p> <p>1 function of the parameter.</p> <p>2 But the fraud, as our fraud team, associated</p> <p>3 with Macy's credit services, they're responsible for</p> <p>4 doing data analysis of the fraud and looking at it by</p> <p>5 what department, is there certain departments within the</p> <p>6 organization, is there certain regions that have high</p> <p>7 rates of fraud, et cetera. And one of the things</p> <p>8 they'll do is look at associates, what are the top</p> <p>9 associates that are ringing fraud transactions. That's</p> <p>10 what that data was.</p> <p>11 Q Okay. Did you train Mr. Castellani?</p> <p>12 A I trained Chris Castellani in the specific tactical</p> <p>13 things that he needed for 59th Street, but Chris was an</p> <p>14 experienced asset protection executive prior to coming</p> <p>15 to Bloomingdale's and prior to coming to 59th Street.</p> <p>16 He had come from another store. So he had a wealth of</p> <p>17 experience on investigations before he came to me.</p> <p>18 Q And investigations for Bloomingdale's and Macy's?</p> <p>19 A Yes, because he was in -- yes.</p> <p>20 Q Okay. So you -- but you trained him, you said?</p> <p>21 A Well, I would have helped trained him and on board</p> <p>22 him to a new role in a new store.</p> <p>23 Q Okay. And are the policies different from the</p> <p>24 store that he came from?</p>	<p style="text-align: right;">Page 159</p> <p>1 that that was not -- I know that it continued, but does</p> <p>2 it state anywhere in there, I'm saying, about any</p> <p>3 investigation into the fraud?</p> <p>4 A No. There's no mention of fraud in this document,</p> <p>5 or I don't believe we talked about it during the</p> <p>6 interview.</p> <p>7 Q And that was the last interview before she was</p> <p>8 suspended, correct?</p> <p>9 A Correct. So, again, I wasn't at the interview, I'm</p> <p>10 going by my recollection and this document.</p> <p>11 MS. MENDOZA: All right. No further</p> <p>12 questions. Thank you.</p> <p>13 MS. TIERNEY: I don't have anything. We will</p> <p>14 read and sign.</p> <p>15 - - -</p> <p>16 (Witness excused.)</p> <p>17 - - -</p> <p>18 (Whereupon, the deposition concluded at</p> <p>19 approximately 3:02 p.m.)</p> <p>20 - - -</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 158</p> <p>1 A No.</p> <p>2 Q Okay. And the last thing, last question is</p> <p>3 Exhibit 1, so you see here that it says that she had</p> <p>4 made -- the second paragraph, the -- it says employee</p> <p>5 purchases from October 2016 to April, right? And then</p> <p>6 it says: The further investigation uncovered the</p> <p>7 associate purchases had been sent out of state to six</p> <p>8 different addresses.</p> <p>9 Do you see that there?</p> <p>10 A Yes.</p> <p>11 Q So those are both for her purchases, correct?</p> <p>12 A Yes.</p> <p>13 Q And does it say anywhere there about the other</p> <p>14 charges, fraud charges?</p> <p>15 A No, I don't believe there's anything mentioned in</p> <p>16 here, and I don't believe the purpose of this part --</p> <p>17 this investigation was around the fraud piece.</p> <p>18 Q But this was after the conclusion -- at the</p> <p>19 conclusion of asset protections investigation, correct?</p> <p>20 A No, no, the larger fraud investigation went well</p> <p>21 past this period of time. That involved other</p> <p>22 associates and our review, et cetera. No, this -- that</p> <p>23 continued past this -- yeah.</p> <p>24 Q Right. And I'm not saying that it wasn't closed,</p>	

1 CERTIFICATION

2
3 I hereby certify that the proceedings and
4 evidence are contained fully and accurately in the
5 stenographic notes taken by me upon the foregoing matter
6 and that this is a correct transcript of the same.
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12 _____
13 Kori Skinner, RPR and Notary Public
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INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, , do hereby
certify that I have read the foregoing pages and
that the same is a correct transcription of the
answers given by me to the questions therein
propounded, except for the corrections or
changes in form or substance, if any, noted in
the attached Errata Sheet.

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	buying (1)		concluded (3)

conclusion (11)	current (4)	determined (6)	Doris (1)
conclusionary (1)	currently (6)	determining (2)	Dorothy (1)
condensed (1)	customer (15)	developing (2)	download (1)
condition (1)	customers (13)	DIAZ (3)	driving (2)
conduct (10)	cut (1)	difference (2)	dug (1)
conducted (4)	< D >	different (34)	duly (1)
conducting (3)	d/b/a (2)	differently (2)	duties (1)
Conference (1)	data (14)	direct (3)	< E >
confidential (1)	database (2)	Direction (1)	earlier (7)
confirm (2)	date (6)	directly (8)	early (1)
confirmation (1)	dates (1)	director (2)	earning (2)
confirmed (10)	David (3)	discharge (1)	easier (1)
connection (1)	day (1)	disciplinary (3)	easiest (1)
Connelly (1)	days (1)	disciplined (1)	eat (1)
consider (1)	day-to-day (1)	discount (42)	e-commerce (1)
consideration (1)	December (1)	discounted (3)	EEOC (1)
considerations (1)	decision (13)	discounts (1)	effect (1)
considered (1)	decision-makers (1)	discovered (1)	either (5)
consistency (1)	deemed (1)	discrepancy (2)	elaborate (1)
consistent (3)	Defendant (3)	discussed (1)	elaborate (1)
constitute (1)	Defendants (3)	discussing (3)	electronic (4)
consult (3)	Defense (1)	discussion (15)	electronically (1)
contact (2)	define (1)	discussions (1)	element (1)
contained (1)	Definitely (7)	dishonest (3)	Email (12)
content (1)	definition (1)	dishonesty (4)	emails (1)
continue (6)	delayed (1)	disposition (5)	employed (6)
continued (2)	DENNIS (10)	dispositioned (1)	employee (35)
continuing (1)	DEPARTMENT (28)	dispositioning (1)	employees (27)
control (2)	departments (1)	disprove (1)	employee's (4)
conversation (27)	dependent (1)	disputing (2)	employer (1)
conversations (9)	depends (1)	disregarded (1)	employment (4)
coordination (1)	DEPONENT (1)	DISTRICT (2)	ended (2)
copied (1)	deposed (1)	diversion (12)	ends (1)
copy (1)	deposing (1)	divert (2)	enforcement (10)
corner (3)	deposition (15)	diverter (9)	ensure (1)
Corporate (25)	depositions (1)	diverter-diversion (1)	ensuring (2)
correct (73)	DEREK (1)	diverters (1)	entail (1)
corrections (3)	describe (2)	diverting (5)	enter (2)
correctly (4)	described (3)	diverts (1)	entered (2)
corroborating (3)	describing (1)	division (6)	enterprise (1)
Counsel (11)	DESCRIPTION (1)	divisions (1)	entitled (2)
couple (2)	designer (1)	docs (1)	entity (2)
course (4)	Detail (5)	document (36)	entrance (1)
COURT (5)	detailed (1)	documentation (11)	EOC (1)
co-worker (10)	details (14)	documented (2)	Equal (1)
create (5)	detectives (5)	Documents (6)	errata (5)
creating (1)	determination (2)	doing (9)	ESQUIRE (3)
credit (44)	determine (7)	dollar (9)	estimate (1)
crossover (1)		dollars (2)	et (16)

evasion (5)	field (4)	friends (1)	happy (1)
events (4)	figure (1)	front (6)	harassment (7)
evidence (7)	file (7)	full (2)	head (2)
ex (1)	files (3)	fully (1)	header (1)
exact (11)	filled (1)	function (2)	heavily (1)
exactly (7)	filling (1)	further (14)	held (2)
EXAMINATION (3)	final (3)	FYI (1)	help (3)
examined (1)	find (9)		helped (2)
example (4)	finding (3)	< G >	helps (1)
exception (39)	findings (19)	general (2)	Hey (5)
exceptions (5)	finds (1)	GERBER (1)	high (7)
excessive (3)	fine (3)	getting (2)	highlights (1)
exchanged (1)	fire (1)	gift (2)	hire (2)
exchanging (1)	first (20)	GILMAN (1)	hired (3)
excuse (1)	firsthand (2)	give (9)	histories (1)
excused (1)	five (2)	given (7)	history (15)
execution (1)	five-minute (1)	gives (2)	hold (1)
executive (1)	flag (11)	Giving (1)	holder (1)
executives (2)	flagged (12)	go (45)	home (4)
EXHIBIT (20)	flags (6)	goes (8)	honest (2)
existing (1)	flexibility (1)	going (64)	Hopefully (2)
expect (1)	floor (2)	Gonzalez (6)	hour (1)
experience (6)	fluctuates (1)	Good (9)	hours (2)
experienced (1)	focus (1)	gotten (1)	house (15)
explain (4)	folder (2)	grand (2)	HR (35)
explained (1)	folks (2)	ground (1)	HR/employee (1)
explanation (6)	follow (11)	GROUP (1)	Human (3)
exposure (1)	followed (4)	groups (3)	
expressed (1)	following (3)	guard (1)	< I >
extend (2)	follows (1)	guards (2)	ID (1)
extent (2)	force (1)	Gucci (1)	idea (2)
extenuating (1)	foregoing (2)	guess (16)	identification (5)
external (10)	form (66)	guided (1)	Idress (1)
	format (1)	guys (1)	immediate (3)
< F >	formatting (2)		immediately (1)
facilitate (3)	former (5)	< H >	impact (1)
facilitating (3)	forms (1)	Hac (1)	impair (2)
fact (13)	forth (1)	Hampshire (5)	imperative (1)
facts (1)	FORTY (2)	hand (7)	implicated (1)
fail (1)	forward (4)	handbag (3)	important (2)
Fair (1)	forwarded (4)	handbags (6)	improper (1)
Fairfield (1)	forwarding (1)	hanging (1)	incident (1)
familiar (7)	found (18)	handle (1)	incidents (1)
far (10)	four (4)	handled (2)	include (6)
February (6)	fraud (168)	handles (2)	included (2)
fee (2)	fraudulent (5)	happen (12)	includes (1)
feel (3)	fraudulently (1)	happened (24)	including (5)
feels (1)	FRED (5)	happening (9)	inconsistent (1)
fees (7)	free (1)	happens (4)	Incorporated (4)

incur (1)	investigator (17)	leadership (9)	makers (1)
incurring (9)	investigators (6)	leading (1)	making (9)
in-depth (1)	involve (2)	learn (1)	manage (8)
INDEX (1)	involved (18)	learned (1)	managed (1)
indicate (1)	involvement (7)	lease (1)	management (5)
indicating (1)	involving (1)	leased (1)	manager (17)
indications (1)	issue (28)	leave (3)	managers (9)
individual (3)	issues (6)	led (4)	manages (1)
individually (5)	item (1)	Lee (27)	managing (4)
individuals (9)	items (1)	Lee's (5)	Manhattan (1)
individual's (2)	its (1)	left (6)	manual (1)
inform (2)	< J >	level (3)	mark (2)
information (43)	January (1)	levels (1)	marked (5)
initial (13)	Jeana (1)	liaison (4)	market (1)
initially (7)	jeans (1)	LINE (13)	Marothy (1)
initiate (1)	Jersey (4)	lines (1)	Marvin (1)
initiated (2)	jogging (1)	liquidate (1)	match (1)
initiating (1)	journal (3)	list (5)	matches (1)
ink (1)	jump (1)	listed (1)	matter (1)
inquire (1)	June (9)	LITIGATION (1)	MCCS (5)
insert (1)	juries (1)	little (7)	mean (37)
instance (1)	jury (1)	live (4)	meaning (5)
instances (1)	< K >	lives (1)	means (12)
instantaneous (1)	keep (10)	LLP (1)	meant (1)
INSTRUCTIONS (1)	keeps (1)	LOCAL (3)	measure (1)
interact (1)	kept (2)	located (2)	medication (2)
interaction (1)	key (3)	location (9)	meet (1)
interchangeably (1)	kicked (2)	locations (2)	MELISSA (6)
interest (1)	kind (9)	logical (1)	melissa@dereksmithla
internal (14)	knew (1)	long (3)	w.com (1)
internally (1)	know (120)	longer (5)	member (1)
interpret (1)	knowledge (7)	look (85)	memo (14)
INTERROGATION	knowledgeable (1)	looked (25)	memory (12)
(1)	known (1)	looking (39)	MENDOZA (121)
interrupt (3)	Kori (3)	looks (25)	mental (1)
interrupted (1)	KRISTINA (102)	loop (2)	mention (3)
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interviewed (1)	< L >	lot (11)	mentions (1)
interviews (1)	Lai (9)	lots (2)	merchandise (18)
introduce (1)	lapse (1)	Louis (1)	merge (1)
introduced (1)	large (2)	loyalist (11)	merged (3)
inventory (1)	larger (2)	< M >	merit (1)
investigate (21)	LAW (16)	ma'am (1)	MIKHAYLOVA (26)
investigated (27)	lawsuit (3)	MACY'S (52)	Mikhaylova's (8)
investigates (1)	leader (2)	mailed (1)	million (2)
investigating (11)	leaders (1)	maintained (1)	mindset (1)
investigation (157)		major (1)	minutes (3)
investigations (61)		maker (1)	misconduct (3)
Investigative (7)			misheard (1)

Missouri (1)	Object (59)	P-1 (2)	piece (6)
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moment (1)	objections (1)	P-3 (3)	place (12)
money (2)	observations (1)	P-4 (3)	placing (1)
monitor (1)	obvious (1)	PAGE (28)	Plains (1)
monitoring (1)	obviously (5)	pages (1)	Plaintiff (4)
monitors (1)	occurrence (1)	paid (9)	Plaintiff's (5)
months (11)	occurring (4)	Pantoliano (1)	play (2)
morning (2)	October (4)	paper (2)	Plaza (1)
morphed (1)	office (5)	paragraph (7)	please (6)
move (5)	offices (1)	parameter (1)	PLLC (1)
moved (2)	Oh (2)	parameters (16)	point (22)
multiple (13)	Ohio (1)	Part (87)	points (6)
multistep (1)	Okay (298)	participate (1)	police (2)
mutual (1)	old (2)	particular (14)	policies (6)
	Olde (1)	parties (1)	policy (59)
< N >	older (1)	partner (2)	policy-type (1)
name (8)	once (6)	partnered (2)	pop (1)
named (3)	ongoing (3)	partnering (1)	popped (3)
names (3)	open (3)	partnership (1)	pops (3)
nature (1)	opened (2)	partnerships (1)	popular (1)
necessarily (7)	operate (1)	parts (1)	portion (1)
necessary (2)	opinion (5)	Passaic (1)	position (17)
need (17)	opinions (1)	passed (1)	positions (2)
needed (9)	opportunity (4)	paying (7)	possible (10)
needs (3)	opt (1)	pending (2)	post-employee (1)
never (4)	Oral (1)	Penn (1)	potential (20)
NEW (34)	order (14)	people (10)	potentially (5)
newly (1)	ordering (1)	percent (5)	predominantly (1)
NH (1)	orders (6)	performance (1)	pre-employee (1)
nonemployees (1)	organization (10)	perimeter (1)	prepare (1)
noninvestigatory (1)	organized (3)	period (7)	prescription (2)
non-rehirable (2)	original (2)	permission (3)	present (15)
norm (2)	Orya (1)	perpetrate (1)	presented (2)
normal (8)	outlets (1)	perpetrating (1)	prevent (2)
normally (2)	outlier (1)	person (19)	prevention (4)
Notary (2)	outside (6)	personal (10)	previous (4)
noted (3)	overall (10)	personally (4)	previously (2)
notes (9)	overnight (1)	personnel (1)	price (2)
notice (1)	oversee (1)	person's (1)	pricing (1)
notification (2)	overseeing (1)	perspective (6)	primary (3)
November (1)	overview (2)	phone (9)	prior (2)
NUMBER (41)	owned (1)	phones (1)	priorities (1)
numbers (5)	owner (2)	phrase (2)	prioritizing (1)
numerous (1)	ownership (1)	physical (3)	priority (2)
NYPD (2)		physically (2)	privileged (1)
	< P >	pick (1)	Pro (1)
< O >	p.m (1)	picked (1)	probably (5)
oath (1)	P/O (1)	picks (1)	problem (2)

problems (1)	quotes (1)	relations (2)	retained (1)
procedure (5)	< R >	Relationships (1)	return (1)
procedures (2)	raise (1)	relevance (2)	reveals (1)
proceedings (1)	raised (1)	relevant (4)	reverse (1)
process (57)	ran (1)	relies (1)	Review (20)
processes (5)	random (1)	remember (19)	reviewed (7)
produced (1)	rang (14)	remembered (1)	revisit (1)
product (5)	ranked (1)	remembering (1)	reward (4)
Production (1)	ranking (2)	renting (1)	rewards (3)
products (1)	rate (1)	repeat (3)	Key (2)
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profit (1)	reach (4)	replace (1)	Right (85)
program (3)	reaching (1)	report (43)	right-hand (4)
programs (5)	reacting (1)	reported (4)	ring (4)
progress (1)	read (13)	REPORTER (2)	ringer (1)
promoted (2)	reading (3)	reporting (12)	ringing (8)
promotional (2)	reads (1)	reports (14)	rise (1)
promotions (1)	realize (1)	Request (2)	Road (2)
proof (1)	really (4)	requesting (1)	role (4)
propounded (1)	reason (19)	requests (2)	role/responsibilities (1)
Prosecutable (1)	reasons (8)	required (4)	roll (1)
prosecuted (4)	reassigned (1)	resell (3)	room (3)
protect (1)	recall (123)	reseller (13)	room (3)
protection (32)	receipt (4)	resellers (3)	RPR (2)
protections (1)	receipts (2)	reselling (39)	rule (1)
prove (9)	receive (1)	reserve (1)	rules (4)
provide (1)	received (4)	reserved (1)	run (4)
provided (8)	recollection (13)	resigned (2)	rung (5)
proving (3)	recommendation (1)	resigns (1)	running (1)
provision (1)	recommendations (2)	resold (1)	RWDSU/UFCW (1)
Public (2)	record (13)	resolution (2)	< S >
pull (9)	recording (1)	resolved (1)	safety (1)
pulled (1)	recurring (1)	Resources (4)	sale (11)
purchase (41)	red (18)	respect (7)	sales (23)
purchased (5)	re-education (1)	respective (1)	sat (3)
purchases (57)	reference (3)	respond (2)	saw (6)
purchasing (5)	referencing (3)	responding (1)	saying (33)
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putting (2)	refused (1)	responsible (15)	screen (8)
< Q >	regarding (7)	rest (1)	se (1)
qualify (1)	regards (1)	restate (1)	second (5)
quantity (1)	regions (1)	result (3)	Secondarily (1)
question (31)	regular (1)	resulting (2)	section (1)
questioned (3)	related (4)	results (9)	security (3)
questions (25)	relating (2)	RETAIL (1)	see (73)
	relation (1)	retailers (1)	

seeing (5)	similar (2)	starting (5)	suspended (13)
seen (14)	similarly (1)	starts (1)	Suspension (5)
sell (2)	simple (3)	state (23)	suspicion (1)
sellers (2)	simply (1)	stated (12)	suspicious (12)
selling (6)	simultaneously (1)	statement (24)	swipe (1)
sells (1)	single (2)	statements (2)	sworn (2)
send (14)	sit (1)	STATES (5)	synonymous (2)
sender (4)	sitting (1)	stating (1)	system (7)
sender's (1)	six (2)	status (2)	
sending (9)	six-month (1)	steal (1)	< T >
sends (2)	Skinner (2)	stealing (1)	tactical (1)
sense (2)	small (1)	stenographic (1)	take (17)
sent (26)	SMITH (1)	steps (1)	taken (13)
sentence (2)	Soho (9)	Steve (1)	talk (8)
separate (20)	sold (1)	STEVEN (1)	talked (7)
separated (1)	solving (1)	stipulated (1)	talking (15)
separately (1)	somebody (5)	STIPULATIONS (1)	tandem (1)
September (2)	somebody's (1)	stop (2)	target (1)
serial (2)	something's (1)	STORE (32)	task (1)
serialized (1)	soon (1)	stores (6)	tasked (1)
serves (4)	sorry (7)	STOREWORKERS	tax (21)
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services (15)	sorted (1)	straight (1)	team (81)
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settled (2)	source (1)	Street (17)	team's (1)
sexual (7)	SOUTHERN (1)	strictly (3)	Tech (1)
sgerber@bglaw.com	space (2)	strike (2)	technology (1)
(1)	span (1)	structured (1)	tell (7)
Shanine (1)	speak (10)	subheading (1)	telling (1)
share (5)	speaking (3)	subject (2)	ten (3)
sheet (5)	specialized (1)	substance (1)	terminate (4)
ship (4)	specific (18)	substantiate (1)	terminated (27)
shipped (13)	specifically (12)	sudden (3)	terminating (1)
shipping (21)	spend (2)	suffer (1)	termination (4)
ships (4)	spending (1)	suggestions (1)	terminations (1)
shop (3)	spends (2)	Suite (3)	terms (4)
shoplifter (1)	spent (3)	summary (14)	testified (3)
shoplifters (2)	spoke (9)	supervising (2)	Texas (1)
short (2)	spoken (2)	supervisors (1)	Thank (6)
shortage (1)	spouse (1)	SUPPORT (9)	theft (10)
show (5)	spring (1)	supported (3)	theoretically (1)
showed (2)	St (1)	supporting (3)	thing (12)
showing (1)	staff (1)	supposed (2)	things (15)
side (3)	stage (1)	sure (18)	think (39)
sign (2)	standard (4)	surface (3)	thinking (1)
signatures (1)	standards (1)	suspect (2)	third (1)
significance (7)	standpoint (4)	suspected (3)	third-party (2)
significant (1)	start (7)	suspend (5)	thirty (1)
signing (1)	started (12)	suspend/discipline (1)	thought (3)

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 Typically (8)

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 White (1)
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 WITNESS (79)
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write (7)
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